Proceedings of the Council

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FOR THE YEAR 1909.

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Hon'ble Mr. J. G. Cumming (took his seat in Council on the 30th January, 1909) . . . . . .
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THE Council met in the Council Chamber on Saturday, the 30th January, 1909, at 11 A.M.

Present:

The Hon'ble SIR EDWARD BAKER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble MR. F. A. SLACKE, C.S.I.

The Hon'ble MR. W. C. MACPHERSON, C.S.I.

The Hon'ble MR. S. P. SINHA, Advocate-General of Bengal.

The Hon'ble MR. F. W. DUKE.

The Hon'ble MR. J. G. CUMMING.

The Hon'ble MR. C. E. A. W. OLDHAM.

The Hon'ble MR. A. S. THOMSON.

The Hon'ble SIR CHARLES ALLEN, KT.

The Hon'ble MR. E. P. CHAPMAN.

The Hon'ble BABU KALI PADA GHOSH, M.A., B.L.

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, M.A., B.L.

The Hon'ble MAHARAJADHIRAJA SIR BIJAY CHAND MAHTAB BAHADUR, K.C.I.E., OF BURDWAN.

The Hon'ble BABU GAJADHAR PRASAD.

The Hon'ble BABU DEBA PRASAD SARBADHIKARI, M.A., B.L.

The Hon'ble MR. F. A. LARMOUR.

The Hon'ble BABU RADHA CHARAN PAL.

The Hon'ble MR. M. S. DAS, C.I.E.

NEW MEMBERS.

The Hon'ble SIR EDWARD BAKER, the Hon'ble MR. J. G. CUMMING and the Hon'ble MR. A. S. THOMSON took their seats in Council.

[*Maharajadhiraja Sir Bijay Chand Mahtab Bahadur of Burdwan; Mr. Das; Mr. Larmour; Babu Gajadhar Prasad.*]

INTRODUCTORY SPEECHES.

The Hon'ble the MAHARAJADHIRAJA SIR BIJAY CHAND MAHTAB BAHADUR OF BURDWAN said:—"Your Honour, to-day you have formally taken your seat in this Council as our Ruler and President, and on behalf of my Indian colleagues and myself, I beg to accord you a very hearty welcome to this Chamber so very familiar to you. Your appointment as our Lieutenant-Governor has given universal satisfaction in this Province, and to-day, in Council, we, your Indian colleagues, wish to express to you our gratification at having you to preside over us here, and sincerely hope that your *regimé* will be one full of vigour and important reforms as well as one of peace and prosperity to Bengal to which you belong, which you love, and which, I venture to say, loves you and has welcomed you very cordially."

The Hon'ble MR. DAS said:—"Your Honour, you have received greetings of welcome from one Indian nobleman—one who is perhaps the oldest among the Non-official Members of this Council, oldest in the ordinary sense, and oldest perhaps in my association with the proceedings of this Council. I consider it my duty to offer Your Honour our sincerest felicitations and respectful greetings of welcome as President of this Council and as Ruler of Bengal, Bihar and Orissa. For some time past we have hoped to welcome you as the Lieutenant-Governor of Bengal, and we are thankful that God, in His infinite wisdom, has entrusted the reins of Government to your hands, which I consider to be a most important event in the history of the country. When a vessel, Sir, is overtaken by a storm, the man at the helm steers it with a firm and steady hand; and while he steers the vessel steadily along the route, leading her to her port of destination, he is not unmindful of the lives entrusted to his care. Sir, I believe that personality is an important factor in any scheme of administration, and it is especially so in India. Laws are necessary, Legislative Councils are necessary, and laws are sometimes necessary even as surgical instruments. Sir, inventors and manufacturers of surgical instruments readily deserve the gratitude of the world, but the value of a surgical instrument to a particular patient depends on the skill of the surgeon.

"Sir, we are thankful to you for Your Honour's intention to visit Orissa three weeks hence. Orissa has no attractions of pleasant memories associated with Your Honour's past official career; and yet, notwithstanding that, that Your Honour should have decided to visit that part of the country under Your Honour's rule, within so short a time of having taken over the reins of Government, and amidst numerous engagements at this time, makes us hope that Your Honour's rule will be characterised by reformation, direct touch with the people, and entire sympathy for India.

"May God grant you health and strength, so that Your Honour may rejoice in extending to the people under Your Honour's rule the full benefits of the coming reform, and when, in the fullness of time, Your Honour lays down the reins of this Government, may history look upon you, Sir, as the illustrious vision who worked out in Bengal the glorious mission of England, the extension of the blessings of civilised life."

The Hon'ble MR. LARMOUR said:—"Your Honour, on behalf of the community that I represent in this Council, I desire to endorse the words of welcome offered you by the Hon'ble Maharajadhiraja of Burdwan on your appointment as Lieutenant-Governor of this province."

The Hon'ble BABU GAJADHAR PRASAD said:—"I, on behalf of the people of Bihar, accord Your Honour a hearty welcome. They are thankful to Your Honour for the recent tour you made in Bihar, so soon after the assumption of office and the opportunity you thereby afforded them of welcoming you in their midst. Sir Andrew Fraser paid special attention to Bihar because of its backwardness, and your recent tour has filled the Biharis with the hope that Your Honour will continue the same policy."

[*The President.*]

The Hon'ble THE PRESIDENT said:—"Maharajadhiraja, Mr. Larmour and Gentlemen of the Council—

"I thank you for the welcome you have accorded to me as your incoming President and for the kind expressions which the Maharaja of Burdwan has been good enough to use regarding me.

"I am not a stranger to this Council, for I enjoyed the honour of a seat upon it, as Secretary to the Bengal Government, for nearly three years, from 1898 to 1901; and though that is now a long time ago, I am glad that there are at least two gentlemen present to-day, who were colleagues of mine, during a portion of that time—I mean the Hon'ble Mr. Slacke and the Hon'ble Mr. M. S. Das.

"During the time when I was a member of the Council, and indeed at all times that are within my knowledge, the relations between the non-official members and the Government have been uniformly excellent, and I am confident that my Government will receive from you the same assistance and co-operation as in the past.

"Gentlemen, I do not propose to trouble you with any remarks on the business that is on the agenda paper to-day. But I desire to take this opportunity of making some observations on another matter, which in my judgment is of very real importance.

"On two recent occasions, when speaking about the great constitutional reforms which are shortly to be introduced, His Excellency the Viceroy declared emphatically that it will now rest with the people of India and their leaders to make the reforms a success. That pronouncement has been cordially accepted by the organs of public opinion that I have seen; and I myself will venture to express hearty agreement with it.

"But there is also another aspect of the matter, and it is to this that I desire now to invite attention. I hold that a solemn duty rests upon the officers of Government in all branches, and more particularly upon the officers of the Civil Service, so to comport themselves in the inception and working of the new measures as to make the task of the people and their leaders easy. It is incumbent upon them loyally to accept the principle that these measures involve the surrender of some portion of the authority and control which they now exercise, and some modification of the methods of administration. If that task is approached in a grudging or reluctant spirit, we shall be sowing the seeds of failure, and shall forfeit our claim to receive the friendly co-operation of the representatives of the people. What precise changes will be made in the form of district or municipal administration are not likely to be determined until the Royal Commission on Decentralization shall have presented its report. But as regards the Provincial Council itself, we know from the published papers the general outlines of what is in contemplation. These include a majority of non-officials, who, whether elected or nominated, are at liberty to speak and vote as they please; a large measure of control over the Provincial budget; the power of raising debates and moving resolutions on matters of public interest; and the right of putting supplementary questions.

"It is manifest that the free exercise of these powers, in the spirit in which they have been devised, will impose a greatly increased burden of work and responsibility on the officers who will represent the Government in the Council. They must be prepared to support, defend and carry through the administrative policy, and in a certain degree even the executive acts of the Government in the Council, in much the same way as is now prescribed in regard to measures of legislation; and they must further be prepared to discharge this task without the aid of a standing majority behind them. They will have to resort to the more difficult arts of persuasion and conciliation, in place of the easier methods of autocracy. This is no small demand to make on the resources of a service whose training and traditions have hitherto led its members rather to work for the people than through the people or their representatives. But I am nevertheless confident that the demand will not be made in vain. For more than a hundred years, in the time of the Company and under the rule of the Crown, the Indian Civil Service has never failed to respond to whatever

call has been made upon it, or to adapt itself to the changing environment of the time. I feel no doubt that officers will be found who possess the natural gifts, the loyalty, the imagination and the force of character which will be requisite for the conduct of the administration under the more advanced form of government to which we are about to succeed."

QUESTIONS AND ANSWERS.

STIPENDS AND ACCOMMODATION FOR STUDENTS OF THE PATNA NORMAL TRAINING SCHOOL.

The Hon'ble BABU GAJADHAR PRASAD said:—

The students who pass the Lower Primary, the Upper Primary and the Middle Vernacular examinations, and then, with the object of qualifying themselves for a teachership in the Middle Vernacular schools, join the Patna Normal Training School, get only Rs. 4 a month as stipend. On account of the insufficiency of this stipend and the bad accommodation with which they are provided in the boarding-house, they cannot live well and in good health. Two of them died of plague in 1907-08 and two of them died of cholera in 1908-09. The students who join the Guru-training School without passing any examination get Rs. 5 to Rs. 9 a month as stipend. In view of these facts will the Government be pleased to consider the advisability of raising the stipend to Rs. 7 or Rs. 8 a month and of providing good accommodation as soon as practicable?

The Hon'ble MR. CUMMING replied:—

"The sufficiency of the stipends allotted to students who attend the vernacular training schools is one of the subjects which is being dealt with by a Committee recently appointed by Government to consider the whole question of vernacular training schools. The Committee has not yet completed its inquiries.

"As regards the accommodation of the hostel at Patna, the Government have no reason to believe that its condition is responsible for the cases of illness referred to by the Hon'ble Member; but the matter will receive attention."

THE PATNA TEACHERS' TRAINING SCHOOL.

The Hon'ble BABU GAJADHAR PRASAD asked:—

In view of the interests of the public generally and of the students of the Patna Teachers' Training College particularly, will it please the Government to consider the desirability of defining the prospects of the students that pass from the College and of guaranteeing a certain number of appointments to them?

The Hon'ble MR. CUMMING replied:—

"The present training class for teachers at Patna was opened on the 12th October, 1908. It is as yet only in an experimental stage. Neither in the case of this training class nor in that of the David Hare Training College, at Calcutta, has it so far been definitely laid down what specific advantage will be given to those who pass through the training course. The question of the terms on which intending teachers, who have taken the training course at Patna, will be appointed to Government service is at present under consideration, but its final determination depends on the settlement of the general scheme for the improvement of the position of teachers in secondary schools, which is now before the Government of India."

THE BENGAL COURT OF WARDS (AMENDMENT) BILL, 1908.

The Hon'ble MR. DUKE moved that the Report of the Select Committee the Bill further to amend the Court of Wards Act, 1879, be taken into nsideration.

He said:—"SIR,—I am glad to say that the very short Bill of which I am charge has been unanimously approved by the Select Committee exactly it was presented to them. There is in fact hardly anything to be added the remarks which were made by the Hon'ble Mr. Greer in introducing the ll.

"It gives to the Court of Wards a facility which has hitherto been want- g to obtain loans for the consolidation or liquidation of the debts of a Ward's tate.

"For the smaller estates particularly, however excellent the security might e, the class of capitalists who are willing to lend on reasonable terms to large tates refused to come forward. The necessary inquiries were too trouble- me and the legal business too expensive to make a small investment at low terest worth their while. But under this Bill the Court of Wards, which is possession of all the facts, will have no difficulty in arranging loans from tes which have a surplus seeking investment.

"The arrangement will be equally a boon to those estates which at present find no remunerative employment for their surplus funds.

"All the authorities consulted have approved of the Bill except the Bengal tional Chamber of Commerce. This body objected to the narrowing of the oney-lenders' opportunities, a view which is certainly not much in sympathy ith the interests of land-owners.

"A further suggestion made by them was that estates between which such nsactions had taken place might be involved in litigation after their release om the Court of Wards. As observed by the Select Committee, however, tion 13A of the Court of Wards Act, 1879, expressly provides against such a tingency by enabling the Court of Wards to retain charge until the liabilities ve been discharged. When there is such general approval and when the only jections advanced have so little basis, I trust that this Council will have no ficulty in passing the Bill."

The motion was put and agreed to.

The Hon'ble MR. DUKE also moved that the Bill be passed.

The motion was put and agreed to.

THE INDIAN LUNATIC ASYLUMS (AMENDMENT) BILL, 1908.

The Hon'ble MR. OLDHAM moved that the Bill to amend the Indian unatic Asylums Act, 1858, be taken into consideration.

He said:—"I move, Sir, that the Bill to amend the Indian Lunatic Asylums ct, 1858, be taken into consideration by the Council. When moving for ave to introduce the Bill at the last meeting of Council on the 28th of November, I explained to the Hon'ble Members the nature of this short formal neasure, which involves the amendment only of one section of the Act, nd the object of which is to enable the simple procedure of section 7 to e made available for dealing with Calcutta lunatics whom it may be neces- ary to send to an asylum situated elsewhere in the Province."

The motion was put and agreed to.

The Hon'ble MR. OLDHAM also moved that the Bill be passed.

He said:—"I now move, Sir, that the Bill to amend the Indian Lunatic sylums Act, 1858, be passed."

[*Mr. Macpherson.*]

THE BENGAL EXCISE BILL, 1909.

The Hon'ble MR. MACPHERSON moved for leave to introduce a Bill to consolidate and amend the Excise Law in Bengal.

He said:—"I ask for leave of the Council to introduce a Bill to consolidate and amend the law with regard to intoxicating liquors and intoxicating drugs.

"This Bill which I ask permission to introduce takes the place of the Bill originally introduced in this Council at the end of the year 1903 by the Hon'ble Mr. Buckland, my predecessor on the Board of Revenue. That Bill was referred to a Select Committee, who reported upon it in March, 1904. On the presentation of the Report an important debate took place in the Council. I think that the Hon'ble Babu Kali Pada Ghosh and I are the only present members of Council who were on the Council at that time. The Hon'ble Mr. Woodroffe, who was at the time Advocate-General, moved that the Bill should be re-committed to the Select Committee with instructions that it should be amended so as to secure express and direct legislative enactment, or procedure, for ascertaining the existence of local opinion in the matter of licensing liquor-shops and for ensuring that a reasonable amount of deference should be paid to such local opinion, when ascertained, both as to the number and location of shops. Mr. Woodroffe further moved that the Bill should be amended so as to provide in the actual text of the law that intoxicating liquors and drugs shall not be sold to children under 14 years of age, or to women. He also moved that reasonably adequate provision should be made in the Bill so as to prevent, as far as possible, the spread of drunkenness. This motion for re-commitment was accepted by your predecessor, Sir, and the Bill was sent back to the Select Committee for further consideration.

"The Select Committee further reported on the Bill in April, 1904; and the Hon'ble Sir Andrew Fraser accepted their recommendations that a prohibition of the sale of intoxicants to children should be inserted in the Bill, and that the matter of the sale of intoxicants to women should be left to be dealt with, if necessary, by rules to be made under the Act. Sir Andrew Fraser also agreed with the Committee that provisions for ascertaining public opinion in regard to licensing shops for the sale of intoxicants, which previously had been made by rules, should be specifically included in the Bill. Clauses were inserted in accordance with these recommendations.

"Sir Andrew Fraser then asked for the permission of the Government of India to proceed with the amended Bill. In reply the Government of India accepted the principles recommended, but pointed out certain defects in the clauses which had been inserted to give effect to the recommendations, and they desired that the Bill might be revised in consultation with local officers. The Bengal Government accordingly, after consulting the Board of Revenue and local authorities, including the Corporation of Calcutta, submitted a revised Bill in May, 1905. Opportunity was taken to amend the provisions of the Bill so as to provide a legal basis for the Contract Distillery System which was introduced at that time into certain Bengal districts.

"Meanwhile the Government of India had appointed the Indian Excise Committee to inquire and report with regard to various matters in connection with Excise, and they wrote in March, 1906, that it was undesirable that the Bengal Excise Bill should be proceeded with until the Report of the Committee should be received and considered.

"The Indian Excise Committee's Report was submitted to the Government of India in July, 1906; and during the next 12 months the Government of India dealt with their recommendations in a series of Resolutions. In a Resolution of July, 1907, they accepted the opinion of the Indian Excise Committee that the Bengal Bill should not be passed into law as it stood; and they requested the Bengal Government to prepare a revised draft on the general lines of the Bill prepared by the Indian Excise Committee, with certain modifications. The Bengal Bill was criticised as being verbose and containing a number of repetitions which could be avoided and provisions which were unnecessary in the substantive law. It was pointed out that the rule-making provisions were scattered over a great many clauses and sub-clauses; and special defects were pointed out in retention of obsolete

provisions, in multiplication of Excise offences and in other omissions. A revised Bill was accordingly prepared and submitted to the Government of India in January of last year; and after discussion of points of detail between the Government of India and the Government of Bengal, the revised Bill was submitted to the Secretary of State in December last. This month the sanction of the Secretary of State to the introduction of the Bill was received.

"Under Your Honour's order the Bill revised by the Select Committee of 1904 has been removed from the list of business, under the rule which permits such action to be taken when no motion has been made with regard to a Bill for two years. I now ask the Council to accept the Bill which has been circulated to Members in substitution for the former Bill, and to permit it to be formally introduced in Council.

"I shall reserve further remarks, Sir, until permission to introduce the Bill has been accorded."

The motion was put and agreed to.

The Hon'ble MR. MACPHERSON introduced the Bill and moved that it be read in Council.

He said:—"I now move, Sir, that the Bill to consolidate and amend the Excise Law in Bengal be read in Council.

"In my preceding remarks I have given to Hon'ble Members the history of the Bill which I have been permitted to introduce. I have now to call attention to the more important changes which it is proposed to make in the law. These are to be gathered from the Statement of Objects and Reasons which is attached to the Bill. But I think that Hon'ble Members would wish that I should briefly indicate them.

"In the first place, the Bill is a consolidating measure which will take the place of the principal Act, passed thirty-one years ago, and of the amending Acts. The labours both of the Select Committee of 1904 and of the Indian Excise Committee of 1905-06 have been utilised; and I hope it will be found that the Bill now before the Council is more complete than the existing Acts and that its arrangement is more logical. The Bill is not very much longer, however, than the existing law. It contains 88 clauses as against 85 sections of the Act of 1878.

"The amendments of the law which are of the most general interest are, in order of clauses,—

the provisions for facilitating interprovincial import and export (clauses 10 to 13);

the provisions for introduction of the Contract Distillery System for supply of country spirit (clause 21);

the provisions for permitting imposition of a tree-tax on *tari* or toddy (clauses 29 to 33);

the provisions for consulting local opinion as regards numbers and sites of liquor-shops and other excise-shops (clauses 34 to 40);

the provisions for giving better control over the flavouring, blending or colouring of liquor [clauses 2 (*19*), 2 (*20*), 14 (*c*) and 51 (*c*)];

the provisions prohibiting sale of intoxicants to drunken persons or to children under 14 years of age, and which make licensees responsible for preventing drunkenness in shops (clause 54);

the provisions for penalties and for compounding of offences (Chapter IX and clause 68), and

the provisions with regard to chemists and druggists who sell medicated spirits (clause 84).

"I shall not take up the time of the Council by referring to all these matters, but I shall notice some of them.

"First, with regard to the introduction of the Contract Distillery System. It is the policy of Government to abolish the outstills in all areas where this may be found to be practicable; and it has been laid down that in existing circumstances the Contract Distillery System is the most suitable system.

"I may explain that the main features of this system are the separation of the rights of manufacture and retail vend, the fixation of a wholesale rate and of maximum retail prices and the retail of liquor at fixed strengths, only. None of these conditions were existent in Bengal or could be obtained under the outstill system and the central distillery system. The introduction of the contract system into 18 districts and parts of districts in Bengal has given to Government a more definite control upon the consumption of liquor, and while it has cheapened the cost of liquor for retail vendors, it has enabled Government to enhance the rates of duty. In future the effects of taxation upon the consumption of liquor will be judged with greater precision. It is proposed to extend this system further from next year.

"Next may be noticed the provisions for imposition of a tree-tax on *tari*, that is, the juice of palmyras, the date-palm and other palms. It will be seen that these provisions are permissive, that is, they do not come into operation until they are specially extended. It was considered by the Indian Excise Committee that the consumption of *tari* requires more adequate check by improved Excise methods and enhanced taxation than it has hitherto received in Bengal, especially in areas where it is proposed to adopt measures for restricting the consumption of country spirit by enhancing taxation. The Government of India have forwarded to the Local Government draft clauses for insertion in the Bill permitting imposition of a tree-tax, but have left it to the discretion of the Local Government to introduce this system. The system belongs to the Bombay and Madras Provinces. Attempts were made some years ago in certain districts of the Province to introduce the tree-tax system into certain districts of Bengal; but they were not successful, and without an amended law and without better establishments no one, I think, wishes to repeat the experiment. I think that any action taken under these clauses should be cautious and tentative.

"I may next notice the provisions which have been inserted in the Bill requiring the Collector to consult local opinion as regards the number and the location of the liquor-shops and other excise-shops which he proposes to license.

"The Council will observe that this Bill does not reproduce section 84 of the existing Act, which empowers the Local Government with the approval of the Government of India to assign to the Corporation of Calcutta or to any other Municipal body powers as to granting excise licenses. The power given by that section has never been exercised, and it is thought to be sufficient to provide, as in clauses 34 to 41 of the Bill, for ascertaining public opinion and for hearing objections to the issue of licenses.

"It has been repeatedly laid down by the highest authority that local option, in the sense in which that term is generally understood in other countries, is impracticable in India. The Government of India wrote in 1890 that such a system would throw the administration into confusion, and would in some places create an intolerable class tyranny which might have very serious political effects. It is considered that the position is not materially altered since these words were written, and that it is impossible for the Government to lay aside its responsibilities for fixing whether by itself, or through its officers, the numbers and sites of liquor-shops.

"Government has been unable to accept the recommendation that licensing functions should be assigned to Municipal bodies or other elected local bodies. Under existing circumstances the District Officer is the officer most likely to possess the local knowledge required for the satisfactory discharge of the licensing functions, and Government does not accept the view that these officers have any such interest in the growth of the Excise revenue as to disqualify them from performing that duty impartially.

"Government agrees, however, with the Indian Excise Committee, that Municipal Committees should be consulted as valuable exponents of an important section of public opinion to which proper attention must be paid; and it has been directed that steps shall be taken to ensure that local opinion, both in towns and in rural areas, shall be more systematically consulted and the result more formally recorded than has hitherto been the case.

[*Mr. Macpherson; Babu Radha Charan Pal.*]

"The Council are aware that a Committee sat in Calcutta last year, on which the Corporation was represented, for the purpose of advising Government with regard to licensing of liquor-shops in Calcutta; and the Commissioners of Divisions assembled in conference have advised that local Committees should consider proposals for the licensing of liquor-shops in all important towns. Our existing rules require the Collector to notify beforehand to Municipal Commissioners the sites selected for liquor-shops, and to consider carefully their objections and to consult local opinion as far as possible. But clauses 34 to 40 of the Bill have been inserted by the Bengal Government in the view that the attention of the public and of Government officers is more forcibly attracted by provisions of an Act than by rules and executive orders.

"Before leaving this subject I would add as a personal opinion that it seems to me that it may be expedient to provide in clause 39 of the Bill that should any difference of opinion arise between the Excise Commissioner and the District authorities with regard to licensing, the matter should be referred to the Commisioner of the Division. The Council will remember that Commissioners of Divisions in Bengal were relieved of their functions in connection with Excise when a Commissioner of Excise was appointed about 20 years ago. Though, however, the Commissioners of Divisions no longer exercise any statutory power under the Bengal Excise Act, they are still associated with the Board and Government in the Excise Administration. They are consulted in all important matters connected with Excise and on proposals involving any change of principle or policy. The annual reports and other periodical reports are submitted to the Divisional Commissioner for transmission to the Commissioner of Excise, and the Divisional Commissioners have full power to inspect all Excise-shops and offices, and to notice any defects and to intervene in any matter where intervention appears to be desirable. I should like, therefore, to have the position of the Commissioner of the Division formally recognized in this clause of the Bill, and I think that such a provision would be satisfactory to the public and that it might often save references to the Board and to Government.

"I have only a very few more remarks to make.

"In clause 54 Members will notice provisions taken from recent English statutes which prohibit sales of intoxicants to drunken persons or to children under 14 years of age, and which impose a burden of responsibility on licensees to show that they have taken all reasonable steps to prevent drunkenness in shops or premises. We have such prohibitory clauses in some of our retail licenses. But it has been accepted as desirable that the prohibitions should be contained in the law itself.

"I invite attention to the clauses of the Bill which prohibit bottling of liquor for sale without a license and which are intended to control blending and colouring liquor and to prevent the sale of cheap spirit, sophisticated so as to resemble whisky and brandy, as if it were the genuine article. These provisions have been inserted in order to deal with the excessive manipulation of white spirit which goes on in Calcutta.

"The subject of penalties has been carefully dealt with in Chapter IX of the Bill, and in some cases more severe punishment has been proposed than the present law provides.

"With regard to other changes proposed in the law, I think that it is sufficient for me to refer Members to the Notes on Clauses.

"If the motion which I shall now make be accepted by the Council, I shall move on a future date that the Bill be referred to a Select Committee, and Hon'ble Members will then have an opportunity to discuss the principles and the general provisions of the Bill.

"I now move, Sir, that the Bill be read in Council."

The Hon'ble Babu Radha Charan Pal said:—"Sir, I crave Your Honour's permission to make a few suggestions on one or two important points in connection with this Bill. It was stated by the Hon'ble Member that section 84 of the Act, which empowers the Local Government, with the sanction of the

[*Babu Radha Charan Pal; Babu Deba Prasad Sarbadhikari.*]

Governor General in Council, to assign to the Corporation of Calcutta or any other Municipality powers as to granting Excise licenses, has never been acted upon. Sir, I do not know why this power has not been exercised. So far as the Corporation of Calcutta is concerned, this matter was never placed before it, and I believe the power can only be exercised with the sanction of the Governor General in Council on the recommendation of the Local Government. I believe, Sir, if Government had given authority, the Corporation would have exercised it with the utmost care and with due regard not only to the interests of Government so far as the revenue is concerned, but also to the interests of the people at large. The Corporation of Calcutta is the most advanced Municipal body under Your Honour's sway, and I am sure if this power is retained, and if the Corporation of Calcutta and other Municipalities are permitted to exercise this function, they will exercise it to the best advantage of the people in their respective jurisdictions. Sir, under the new sections 38 and 39 I find the opinion of the Chairmen of the Municipalities would be considered by the Excise Commissioner. No doubt, the Ward Commissioners would be consulted, but the Excise Commissioner and the Collector will decide on the opinion of the Chairmen of the Municipalities. I believe the Members of this Council are well aware that the Chairmen are members of the respective Municipalities over which they preside, and it is they who guide the deliberations of the Municipalities. I think the collective opinion of the Municipality as given in a Resolution passed in a meeting of the Commissioners should be considered by the Collector and the Excise Commissioner. The opinion which will be submitted by the Chairman of the Municipality and Chairman of the Corporation should not be his own individual opinion, but the opinion of the Commissioners of the Municipality.

"Then, Sir, I find that it has been stated that the Collector, having local knowledge, is in a very good position to decide whether licenses should or should not be granted. I am well aware, Sir, of the intimate acquaintance of the Collector with the requirements of his own district, but, at the same time, I think that if the Government could rely only on the Collector's local knowledge, they would not have inserted these provisions with a view to ascertaining local opinion. Local opinion in these local matters play a very important part, and I therefore submit that if, in any matter local opinion ought to be a guide in granting licenses, it is eminently in the matter of excise licenses. I would therefore venture to make this suggestion at this stage of the Bill that the power which has already been granted under the present Act should not be taken away, and that the local option should be largely used, so as to give the people an effective voice in controlling licenses to liquor-shops."

The Hon'ble BABU DEBA PRASAD SARBADHIKARI said:—"In welcoming Your Honour to the first meeting of the Council since assumption of the high office to which Your Honour has been called, it gives me great pleasure to be able to congratulate Your Honour most sincerely that it is also the occasion for the inauguration of a beneficient legislation that has been long and eagerly looked for. It is a measure expected to mark the close of long-drawn struggles between the public and the publican, in which the former should come out triumphant. To put down or at all events to minimise the drink and drug habits and withal to get out of the inevitable evil the maximum of public good in the shape of revenue is in all civilised countries the anxious care of true statesmanship, and if righteous resolves have to give way before the combined influence and affluence of Beer potentates even in premier countries, we congratulate ourselves that such powerful vested interests are utterly unknown in this country. Here, therefore, the long-rooted temperance cause which is so warmly and whole heartedly championed by lofty missionary zeal, ought to triumph signally as I have little doubt it will, specially in a Province in which its University is able publicly to claim that no organised temperance work is needed among its *alumni*.

"On the first reading of the Excise Bill, I shall not be pessimistic enough to apprehend that that triumph will not be complete because the wording of this measure of progression is cautious. In the good intentions of the Government there has never been any lack of confidence, but distrust has mainly been

[*Babu Deba Prasad Sarbadhikari.*]

in the subordinate machinery which in the draft Bill maintains more than its usual preponderance. In reminding this Council on the occasion of the last budget debate of the avowed policy of the Supreme Government to 'minimise temptation to those who do not drink and to discourage excess among those who do,' I ventured to urge that the public would be disappointed if in the result of the investigations of the Excise Commission the following reforms were not achieved :—

(1) An immediate and considerable reduction in the drinking facilities of the city.

(2) An administrative reform under which the Revenue Executive shall share with some other authority the power of deciding the number and location of all future licenses.

(3) Local option receiving much more consideration so that to some extent the people chiefly concerned may have an opportunity of saying how many grog-shops they require and where they may be located.

(4) An insistence that the standard quality of all liquors sold, whether country or foreign, shall be subject to periodical and rigid examination.

(5) A definite legislative measure, that shall not be a skeleton, allowing rules to be framed thereafter in accord with the personal idiosyncrasies of the Revenue authority for the time being, but that shall incorporate as part of the Act all those reforms the need for which has long been admitted, viz., no sales to children or drunken persons, the limit and hours of retail sales, the structural fitness and sanitary character of all shops, the minimum distance of one shop from another, and so on.

"In outlining these reforms I felt obliged to complain that the wait for reforms was too long that intemperance and revenue that prospers by intemperance had been steadily increasing, and that the agonised cry of a long-suffering public was 'how much longer.' The answer has now come in the shape of the 'definite legislative measure' that was then asked for and which has taken the shape of the Bill now before us. It is impossible, however, not to have to say that it is the skeleton that I somewhat apprehended at the time, though I do not start at it as a dreaded Frankiensteen, but cordially welcome it even as a skeleton that will yet gather flesh and blood. Legislation by rules and notification, which has recently been the marked trend, may have the advantages of elasticity. But it has its disadvantages which are also the disadvantages of elasticity, and which in a case like this are bound markedly to preponderate. Clearly defined and well understood lines of policy, as well as working details in the main, have long been the objective of earnest temperance workers, which we miss in this Bill to a certain degree, and I venture to think that much in the long roll of delegation to the Government and the Board of Revenue in sections 79 and 80 of the Bill should find place in the Bill itself. We welcome the semblance of local option provided in the Bill, but its scope has to be considerably enlarged for it to be even partially effective. The existing powers of some authority other than the Revenue authorities, such as the Chairman of the Calcutta Corporation, has been taken away on the ground of their being obsolete. Instead of this being done I venture to think that care should be taken to see that such powers of the Chairman of the Corporation or of such other civic or educational authorities as may be agreed upon in the matter of licensing, ought not to be allowed to become obsolete, but ought to be strengthened, enlarged and exercised for public good. We also welcome the expansion of the principles of protection to children and women both as regards being served and employed in drink shops; but I should like to bring to Your Honour's notice the claim of children of bigger growth, drunken incapables utterly unable to look after themselves. With regard to the age limit in the Bill, I may be permitted to observe that while we do not allow minors under 18 and in some cases below 21, to deal with their property or incur contractual obligations, minors of much lesser age (fourteen) are by this Bill to be allowed facilities for bargaining away their bodies and souls through drugs and drink, as if cigarette habit, rampant, is not bad enough. And

if the employment of women is objectionable at the Bar where foreign liquor is sold, how is it any less objectionable in regard to country liquors sporting under the names of Swadeshi Brandy and Swadeshi Whisky—a degradation in nomenclature fit to make all true Swadeshis blush? And under no circumstances, Sir, should an Indian woman be served on the premises, however much she may choose to degrade herself elsewhere.

"While these are some of the observations that strike the casual first reader of the Bill from the point of view of the general public, the publican also may be allowed to enter his protest against evidentiary onus being unduly thrown upon him in semi-criminal cases against accepted principles of equity and good conscience. So far as juridical matters are concerned, the balance must be held evenly, however hard one may be inclined to be against the publican regarding economic and administrative details. And even the Secretary of State and his officers should not be allowed immunity where clear lack of *bonâ fides* is established; nor can lack of personal bravery on the part of Excise officers be made up for by Statute. Many of the provisions of the Bill are new. Some are decidedly an improvement. Some of those that cannot claim admission under that category have been borrowed from Madras, no longer benighted. Accustomed as Madras may have been to give us points in the matter of drink, Madras Excise rigor cannot in all cases be either necessary or desirable in Bengal, and the poor man's *gur* should be carefully safeguarded at any cost. I shall not now seek to anticipate the Select Committee about the details which it is unusual to discuss or even fully to indicate at the first reading of a Bill. I shall content myself with expressing the almost redundant hope that the Select Committee that will sit on this Bill will do its duty in a thorough-going spirit. I desire to give the Bill my cordial support even in its present form, and congratulate the Council and Your Honour's Government that we are after all about to embark on a measure fraught with the possibility of so much good worked in the true spirit of the noble sentiments voiced by Your Honour to-day."

The Hon'ble MR. MACPHERSON said:—"The Hon'ble Babu Radha Charan Pal called attention to the provisions of clause 39 of the Bill, and he suggested, as I understood, that the opinion of the Corporation in regard to licensing should be considered as well as the opinion of the Chairman. Clause 39 provides that in cases of differences of opinion between the Chairman of the Corporation of Calcutta or the Commissioner of Police and the Excise Commissioner, the matter should be referred to higher authority. I understood the Hon'ble gentleman to say that the collective opinion of the Corporation at least should be entitled to weight. It will be observed, Sir, that clause 35 provides that extracts from the list of proposed shops shall be sent to each member of the Ward Committee, but it may be desirable to provide for weight being given to the collective opinion of the Municipal Commissioners in addition to the individual opinion of the Chairman; and I think that I may say that this suggestion will be considered in the Select Committee stage.

"The same speaker referred to my remarks with regard to the local knowledge possessed by the District Officer. I did not at all mean to say that the local knowledge of the District Officer was the only important matter. I hope myself that we shall find that in the future, a local Committee will be constituted in all large towns in which non-officials will be fully represented, who will advise the District Officer in the matter of licensing, and bring all their local knowledge to help him.

"These are the only matters on which I think it necessary to remark at this stage."

The motion was then put and agreed to, and the Secretary accordingly read the title of the Bill.

The Council was then adjourned to a date to be fixed hereafter.

CALCUTTA;
The 17th February, 1909.

F. G. WIGLEY,
Secretary to the Bengal Council.

B. S. Press—19-2-1909—450J—300—R. G.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met in the Council Chamber on Wednesday, the 3rd March, 1909, at 11 A.M.

Present:

The Hon'ble SIR EDWARD BAKER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble MR. F. A. SLACKE, C.S.I.

The Hon'ble MR. W. C. MACPHERSON, C.S.I.

The Hon'ble MR. E. W. COLLIN.

The Hon'ble MR. F. W. DUKE.

The Hon'ble MR. J. G. CUMMING.

The Hon'ble MR. C. E. A. W. OLDHAM.

The Hon'ble MR. A. S. THOMSON.

The Hon'ble SIR CHARLES ALLEN, KT.

The Hon'ble MR. E. P. CHAPMAN.

The Hon'ble BABU KALI PADA GHOSH, M.A., B.L.

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, M.A., B.L.

The Hon'ble MAHARAJADHIRAJA SIR BIJAY CHAND MAHTAB BAHADUR, K.C.I.E., OF BURDWAN.

The Hon'ble BABU GAJADHAR PRASAD.

The Hon'ble BABU DEBA PRASAD SARBADHIKARI, M.A., B.L.

The Hon'ble MR. F. A. LARMOUR.

The Hon'ble BABU RADHA CHARAN PAL.

The Hon'ble MR. M. S. DAS, C.I.E.

The Hon'ble IHTISHAM-UL-MULK RAESUDDOWLA AMIR-UL-OMRA NAWAB ASEF KADR SYUD WASIF ALI MEERZA KHAN BAHADUR MAHABAT JANG, NAWAB BAHADUR of Murshidabad.

The Hon'ble MR. C. W. N. GRAHAM.

NEW MEMBER.

The Hon'ble MR. C. W. N. GRAHAM took his seat in Council.

[*Nawab Bahadur of Murshidabad, Amir-ul-omra; Mr. Cumming; Babu Radha Charan Pal; Mr. Duke.*]

QUESTIONS AND ANSWERS.

SAVINGS EFFECTED IN THE SALARY OF THE POST OF PRINCIPAL OF THE CALCUTTA MADRASSA.

The Hon'ble the NAWAB BAHADUR OF MURSHIDABAD, AMIR-UL-OMRA, asked:—

Will the Government be pleased to state what, if any, is the amount of savings effected in the salary of the post of Principal of the Calcutta Madrassa since the appointment of the present incumbent?

The Hon'ble MR. CUMMING replied:—

"When an officer goes on leave, it is ordinarily the case that his leave allowances, plus the officiating allowances of the officers who are promoted in the chain of vacancies caused thereby, equal or exceed the saving caused by his absence. The Local Government has made no special calculations in the case of Dr. Ross, but it has no reason to believe that the result will be different."

MURDER OF INSPECTOR NUNDO LAL BANERJEE.

The Hon'ble BABU RADHA CHARAN PAL said:—

With reference to the murder of Inspector Nundo Lal Banerjee, may I inquire if the inquiry is still proceeding, and if any clue has been obtained which might lead to the detection of the culprits involved in this abominable murder?

The Hon'ble MR. DUKE replied:—

"The inquiry into the murder of Sub-Inspector Nundo Lal Banerjee is still proceeding. Government is not at present in a position to make any statement as to the information so far obtained."

ENTERTAINMENT OF AN ADDITIONAL POLICE FORCE ON THE EASTERN BENGAL STATE RAILWAY BETWEEN DUM-DUM JUNCTION AND BARRACKPORE STATION.

The Hon'ble BABU RADHA CHARAN PAL asked:—

(*a*) With reference to the Government Notification in the Calcutta Gazette of February 24th, declaring the area extending for two miles on each side of the Eastern Bengal State Railway, from a point one mile south of Dum-Dum junction to Barrackpore Station, to be in a dangerous state, and the entertainment of an additional Police force, will the Government be pleased to state what is the estimated monthly cost of the force, and whether the cost is to be defrayed out of the general revenues of the State or from special taxation on the people?

(*b*) If the latter, how is it to be apportioned?

(*c*) What are the villages included in the area?

(*d*) Is it a fact, as stated in some newspapers, that it is intended to exclude the Mill area and Cantonment portion from the limit of taxation, if any; and if so, will the Government be pleased to state the reasons for such exclusion?

[*Mr. Duke; Babu Radha Charan Pal; Mr. Slacke.*]

The Hon'ble MR. DUKE replied:—

(*a*) "The estimate of cost of the force to be employed has not yet been worked out. It is expected that it will amount to about Rs. 7,000 per month. The cost will be recovered from the inhabitants of the declared area, with the exception of such individuals or classes as the Lieutenant-Governor may choose to exempt on the recommendation of the local officers."

(*b*) "The details of apportionment of the cost cannot be stated at present."

(*c*) "A complete list of the villages included in the area is not yet before Government."

(*d*) "No decision has yet been arrived at as to any particular area to be exempted."

SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS

The Hon'ble BABU RADHA CHARAN PAL asked:—

Will the Government be pleased to state what steps it proposes to take with a view to trying the experiment of separation of Judicial from Executive functions in selected districts, as promised last year?

The Hon'ble MR. DUKE replied:—

"This Government is still in correspondence with the Government of India on the subject of the separation of Judicial and Executive duties in Bengal."

THE CHOTA NAGPUR ENCUMBERED ESTATES (AMENDMENT) BILL, 1908.

The Hon'ble MR. SLACKE presented the Report of the Select Committee on the Bill further to amend the Chota Nagpur Encumbered Estates Act, 1876.

He said:—"In doing so I may mention that since the Bill was referred to a Select Committee for consideration, the question as to whether the Act applies to districts outside Chota Nagpur has been very ably argued before the Board, who, agreeing with the Hon'ble the Advocate-General, have decided the matter in the affirmative.

"It is very probable that the decision thus arrived at will be tested in the Civil Court, and thereby a point, which has long been in doubt, will be finally settled."

The Hon'ble MR. SLACKE moved that the Bill, as amended by the Select Committee, be taken into consideration.

The motion was put and agreed to.

The Hon'ble MR. SLACKE also moved that the clauses of the Bill be considered in the form recommended by the Select Committee.

The motion was put and agreed to.

The Hon'ble MR. SLACKE also moved that after sub-clause (*a*), in clause 7 of the Bill, the following be inserted, namely:—

"(*b*) debts or liabilities which the Deputy Commissioner is satisfied had necessarily to be incurred for the maintenance of such holder or his family."

He said:—"It is considered necessary to insert this clause for, in the section as it stands, the person who makes the application to the Commissioner may find himself very much hampered, if he is unable to raise means for the support of himself and his family during the period his appeal is being considered."

The Hon'ble BABU KALI PADA GHOSH said:—"This seems to be a very necessary addition, and I beg to support the amendment to clause 7."

The motion was then put and agreed to.

The Hon'ble MR. SLACKE also moved that sub-clauses (*b*) and (*c*) in clause 7 of the Bill be lettered "(*c*)" and "(*d*)," respectively.

He said:—"This is merely a consequential amendment on the Council having accepted the previous amendment to clause 7."

The motion was put and agreed to.

The Hon'ble MR. SLACKE also moved that to sub-section (*2*) of section 14A in clause 13 of the Bill, and to sub-section (*2*) of section 19A in clause 15 of the Bill, the following be added, namely:

"Provided that the Deputy Commissioner shall, before passing such order, hear any explanation or objection that may be made by such person."

He said:—"In making this motion, Sir, I would point out that under section 21A, clause 16 of the Bill, all the orders of the Commissioner, or Deputy Commissioner, are subject to the control of the Board of Revenue, who would of course see that the party fined had been given reasonable opportunity to explain his inability to produce the requisite deeds. But this amendment may possibly result in preventing undue expense on the part of the person called upon to deposit the deeds and who in default has been fined, since it will compel a Deputy Commissioner to remember that such a hearing is essential before a fine can be imposed."

The Hon'ble BABU KALI PADA GHOSH said:—"Sir, this addition seems to be a distinct need, and I strongly support this amendment."

The motion was then put and agreed to.

The Hon'ble MR. SLACKE also moved that the Bill, as settled in Council, be passed.

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, said:—"Your Honour, I heartily sympathise with the underlying policy of the Bill, which is now going to be passed into law. Experience, both official and non-official, as regards the practical working of the existing law for the protection of the ancient and historic families of Chota Nagpur, has been utilised to the fullest extent to give the final shape in which the Bill has been presented before us. The amplest safeguards have also been provided for the aboriginal imbecile landlords of Chota Nagpur, who, lacking both education and character, are prone to enter into a career of wasteful extravagance, and fall an easy prey to the astute and unscrupulous mahajans. There are several provisions in this Bill, Sir, which, if I may be permitted to say so, trench upon the rights of ownership to properties under the law of the land, which, though unsuited to, and would be intolerable in, other parts of the

province entrusted to Your Honour's care, are proper for the class of landholders who will come under the operation of this special legislation. This law will clothe the local officials of Chota Nagpur with extensive and, I may say, unbounded powers which, I feel no doubt, will be exercised in the same fatherly spirit in which the law has been conceived. Autocracy, Sir, is exposed to the risk of using its giant strength like a giant. The Bill has therefore provided for careful and strict scrutiny, both of the Board of Revenue and Your Honour, for all important proceedings so far as the local officials are concerned, and it has also afforded facilities to the aggrieved parties to invoke such scrutiny.

"There is one matter in connection with this Bill on which I wish to submit a few observations. It is not unoften that I have seen people affect a puritanic view against money-lenders as a class, though no human society can do without them. Shylocks are undoubtedly undesirable members of society, and to none more so than to the borrower when the time comes for them to demand their pounds of flesh. It is, however, very imprudent to legislate on a principle which ignores all the legitimate protection which is eminently due to honest money-lenders.

"There are two provisions of the Bill, in regard to which I now wish to submit a few observations before Your Honour. According to section 5 of the Act, there is, on the one hand, the very narrow limit of time, which is three months from the date of the order vesting the property of the incumbent proprietor in the Manager, within which the claimants are allowed to put forward their claims and, on their failing to do so, they forfeit their right to enforce their claim until their property is restored to the proprietor; on the other hand, Sir, the mode of publication of the notices is limited to merely posting it in cutcherries of the district or districts in which the property is situated. Now, Sir, those who are acquainted with the habits of the people in this country, and of Chota Nagpur in particular, will not deny that the various notices and *istahars* posted on the notice-boards attached to cutcherries are seldom read, as also various notices that are posted up in the notice-boards attached to Courts of Law or Revenue Courts. Under section 19 of the Bill, it is competent to Your Honour to frame rules for giving greater publicity to such notices. If I may venture a suggestion at this stage, I should say that such notices should be published in the Calcutta Gazette and in the local papers, if any, and also in two English papers published in Calcutta and two vernacular papers, one of Calcutta and one of Bihar. The next point is that the plenary powers reserved by clause 11 of the Bill will enable the Manager and the Commissioner to effect settlements of debts in any manner they please, entirely ignoring the terms of the contract under which the debts were incurred, and even the decrees of the Civil Court obtained in respect of such debts. This is undoubtedly an extraordinary power intended only to meet exceptional cases, but I hope, Sir, and earnestly hope, that proper rules will be framed for the exercise of the power vested in Your Honour under clause 19 to regulate the exercise of such power. In the absence of such rules, I apprehend that honest capital will run shy of these ancient families in time, when for a legitimate and useful purpose they will stand in need of borrowing money.

"These are my humble suggestions in respect of the whole Bill itself. I hope, Sir, I shall not be accused of undue partiality towards the money-lending community for making these precautionary suggestions, and I hope, Sir, I shall not be misunderstood."

The Hon'ble MR. SLACKE said:—"With reference to the remarks that have just fallen from the lips of the Hon'ble Member, I will say that the suggestions with regard to section 5 of the Act will be duly considered when the time comes to frame the requisite rules. With regard to clause 11 the power to which the Hon'ble Member has alluded is an existing power and, so

far as my experience goes, I cannot remember any case of hardship having arisen. With these few remarks, Sir, I would ask that the Bill be passed."

The motion was then put and agreed to.

THE BENGAL EXCISE BILL, 1909.

The Hon'ble Mr. Macpherson moved that the Bill to consolidate and amend the Excise Law in Bengal be referred to a Select Committee consisting of the Hon'ble Mr. Oldham, the Hon'ble Sir Charles Allen, the Hon'ble Mr. Chapman, the Hon'ble Rai Kishori Lal Goswami, Bahadur, the Hon'ble Babu Gajadhar Prasad, the Hon'ble Babu Radha Charan Pal, the Hon'ble Mr. Das and the Mover, with instructions to report next July.

He said:—"The Bill has been published in the Calcutta Gazette, and will be published in the vernacular Gazettes. It has been sent to local officers and authorities and Associations, with the request that opinions may be forwarded by the middle of this month. Copies of the Bill have also been sent to the newspapers. When opinions are received, they will be circulated to all the Members of the Council, and they will be referred to the Select Committee. Some time will be required for printing and abstracting the replies, and for preparing them for the consideration of the Select Committee; but I think that it should be possible for the Select Committee to begin its sittings in June; and I would express a hope that it may be able to report in July, and that the Bill, as settled by the Committee, may commend itself to the Council and be passed into law in July or August. Unless, Sir, there should be such a discussion to-day with regard to the general provisions and principles of the Bill, as to require an explanation from me, I do not propose to-day to add to the remarks which I made on the day that the Bill was introduced. I now ask you, Sir, to put the motion which stands in my name."

The Hon'ble BABU DEBA PRASAD SARBADHIKARI said:—"Our first and most agreeable duty to-day is to thank Your Honour and Your Honour's Government for the considerate orders for regulation of the location of drink-shops in specified municipal areas through the instrumentality of Advisory Boards. This is an important concession to what has been unreasonably termed 'extreme temperance views' which is doubly welcome because it is spontaneous and voluntary, and we quite recognise that it is a sort of first experiment, tentatively made, the scope of which will be capable of expansion. It is a distinct advance on the Bill as introduced in Council the other day, and the Select Committee about to be appointed will, I have no doubt, take due note of this advance and work out proposals for effective yet safe local control. I am no less sorry than surprised to find that my pioneer remarks on the Bill were characterised as 'severe,' and I am glad and thankful to have been to a certain extent justified by the later action of the Government to which I have just referred. The discovery as to 'severity' was fortunately made not in the Province most affected by the measure, but hundreds of miles away from this Council Chamber, where 'vigour of criticism' will be the last thing to be resented, so long as it is *bonâ fide* and not absurdly impractical. The need of something like local option, long recognised by the Government and the various Committees that have considered the matter for years, has been conceded by the Bill, and the expansion of the principle in its working details will now be the work of the Select Committee. That there is necessity of not only vigour of criticism but also of vigour of action will be admitted by those who have with any degree of care studied the requirements of particular tracts and the manner in which drinking facilities are provided for them. I shall refer to the tract which I know best as a resident, bounded on the north by the street running from this Council Chamber on to the Sealdah Station and on the south by the parallel street leading from the South-East gate of the Government House. I shall not refer to the many superior and inferior

hotels, or the eating-houses, bars and drinking saloons frequented by non-Indian population, whose habits and customs require larger conveniences in this direction. These institutions abound in this tract and round about it, possibly because it is the business part of the town and the centre of European trade and commerce. Nor shall I for the same reason take into consideration the many retail shops within and near about this area in which liquor is not sold in glasses but in bottles, though it would be interesting to have an idea of the number of these retail shops and hotels, which I exclude for my present purposes. But the weary traveller who is not particular as to his house of entertainment and trudging the distance of about a mile from this Council Chamber or the Government House through any route he may choose, to the Sealdah Station, will have his choice of not half-way houses but one-sixth way houses, if such a phrase be permissible, for more than a dozen liquor-shops are to be found in this circumscribed area. If we had a Committee with real determining voice and effective control, more than half of these shops would disappear to-morrow and with it the proportionate drinking facilities. White in his admirable Natural History of Selbourn tells us that 'crickets may be destroyed like wasps by phials half filled with beer or any liquid and set in their haunts, for being eager to drink they will crowd in till the bottles are full.' The human crickets and wasps in my neighbourhood, in which some of these beer-traps are only a few hundred yards apart, are neither by inclination nor nature so eager to drink, and many of these death-dealing phials may with advantage be removed from their haunts. If people cannot be left to manage and control local affairs like these, no generous measure of reform that may be passed will fit them for larger shares of self-government. As has, therefore, been claimed by a well-known Anglo business paper, it would be infinitely better to bring into being a representative Licensing Board by statute than to trust the matter to an Advisory Council.

"I would not at this stage like to labour this point and some others that I ventured to indicate on the day that the Bill was introduced in Council. But as the Council will not be in touch with the Select Committee for some months, I would like, with Your Honour's permission, to say a few more words on the most important of these points that strike me.

"The power of granting Excise licenses by the Corporation of Calcutta or any other Municipality under section 84 of the present Act [1] should not be withdrawn, and the control now granted by law—but up to the present not exercised for reasons that are by no means clear—should be allowed to stand and be put into practice.

"It is further desirable on principle that the Revenue Authorities in districts outside Calcutta should not be allowed full and undivided control in future years. Although it is impossible to hope that Government will hand over from Revenue-officers the decision on licensing affairs to a non-official body, friends of temperance would desire to see an expansion of the principles actuating the appointment of the recent Committee, and would press that these Committees, which may be constituted at the discretion of Local Government, shall share with the Revenue Authority the final control of such important subjects as the number and location of sites, and shall have a real determining voice.

"There is much indeed to criticise in clauses 34 to 41 of the Bill, and around these the greatest discussion in the Select Committee and later on here must centre. The temperance opinion of recent years has been gathering about the much-debated question of local option, and while it is admitted that local option as found in Europe and America is at present not fully applicable to the condition of affairs in Bengal, the hour has come when as much representation as possible of local opinion should be obtained. The question of the granting of licenses, etc., affects three different areas: first of all, Calcutta and Howrah; secondly, municipal areas in the Mufassil; and, thirdly, areas in the Mufassil where no Municipalities are at present formed, and where the District Board is the one non-official representative

[1] The Bengal Excise and Licensing Act, 1878 (Ben. Act VII of 1878.)

body. Different arrangements must of course be suggested for these three different areas. As the Government has already been good enough to accept and agree to the principle of Licensing Committees, I venture to point out that they have at their disposal representative men in each of the said three spheres to whom could be given the responsibility of dealing with the liquor traffic in their respective areas. For example, there may be in Calcutta, for which no separate Committee has been appointed this year, a Licensing Committee of nine members, consisting of—first, the Commissioner of Excise; second, Chairman of the Corporation; third, the Commissioner of Police; fourth, one Presidency Magistrate, one Municipal Commissioner, one representative of Educational interests, to be named by the University or the Director of Public Instruction, and the remaining to be nominated by the public bodies like the British Indian Association and the Muhammadan Literary Society. This would give quite a representative Committee to which public opinion would be perfectly willing to appeal. The decision of the majority of the Committee on any point should be regarded as final; but if the Government did not consider their interests sufficiently safeguarded, an appeal might still be allowed to the Board from the decisions of this Committee. In licensing matters that affect the suburbs, it will) of course, be necessary to add the local Magistrate to the Committee.

"Then in regard to Mufassal municipal areas, the constitution of the Committee such as would be acceptable to the Government has already been foreshadowed by the appointment to which I have referred and it would be desirable to add the District Judge or the highest Judicial Officer of the locality and a representative of Educational interests and a representative of local non-official interests. Here, again, it would be wise to allow final decision to a majority of this Committee, or, if necessary, grant appeal from it to the Divisional Commissioner. Then, in regard to non-municipal areas, a Committee consisting of the Collector, the Vice-Chairman of the District Board, as in most cases the Chairman himself is the Collector, and thirdly, the District Superintendent of Police and representatives of Educational and non-official interests, as in the last case, may be decided on. In this way it is quite possible to suggest a system applicable to the present development in the three areas referred to, in and through which such representation as the public may at present be allowed to claim could be fairly granted. That the demand is not unreasonable has already been conceded by Your Honour's action, and a slight modification is all that we venture to ask for. If, however, suggestions like these are ruled impracticable, it is desirable that under clause 37 the class of objectors to the proposals made by the Collector should be more general. Under the present wording no non-resident may appeal against the placing of a grog shop in a certain locality. It is quite possible the Principal of a college or the Head Master of a school might be living away from the position chosen which he might regard as dangerous to his scholars, but because he is not a resident municipal rate-payer he would have no legal standing to raise objections. Further, although in the note explaining the various sections of the Bill it is stated that this clause (37) aims at allowing public bodies to make objections, there is nothing in the clause itself giving this authority; and it is undesirable that so general a term as 'in the vicinity of the shop' should be allowed to remain and a definite distance should be mentioned.

"The Local Government should not be allowed, as is suggested in clause 21 of the Bill, to obtain such power as will in all future years make it practically independent of public opinion. To take clause 21 together with clause 79, there are a large number of most important considerations in which public opinion should be obtained before final action is taken, and the Local Government should be subject, at any rate, to the criticism available through a discussion in the Legislative Council upon many of the items referred to. It is necessary therefore to guard the future probable course of events by refusing to legislate in a manner that will make reform hereafter much more difficult to obtain.

[*Babu Deba Prasad Sarbadhikari.*]

"With regard to clause 28, it is not quite clear as to what the Local Government means by allowing itself the opportunity of dealing with any aspect of the sale of foreign liquor which does not come under the Liquor Duties. Clauses 21 and 28 may give the Local Government in future years the fullest authority to do much regarding which legislative interference from time to time would be wholesome and welcome, specially pending changes in our Legislative Councils.

"Paragraph 25 of the Statement of Objects and Reasons reads: '*Chapter IV.—Manufacture, Possession and Sale.*—In dealing with these provisions have been entered which, while imposing the necessary restrictions on the public, will enable the Lieutenant-Governor to adopt any system of administration that appears most suitable to particular areas.' This is far too large a power and should be considerably restrained.

"There is a serious omission from these clauses of the Bill which stands in the draft of the Bill of 1904. It referred to restrictions on grants of licenses, and empowered the licensing authority to forbid any increase in the number of licensed shops in any area which it regarded as sufficiently supplied, and then added this important clause (*2*), namely:—

Subject to any rules made by the Board on this behalf, such authority shall not authorise the grant of any licenses for the retail sale of country spirit or *tari* at any place situated:—

(*a*) In the case of municipal areas in or at the entrance of any market established or licensed under the Calcutta Municipal Act, 1899, or the Bengal Municipal Act, 1884, or any enactment repealed thereby, or in the case of non-municipal areas in or at the entrance to any bazar, or

(*b*) near any bathing ghat, place or water-supply used by the public, school, hospital, place of public worship, factory, workshop or tea-garden, or

(*c*) in the interior of any village (clause 40 of the draft Bill of 1904).

"The present Bill gives the Board general powers by saying every license, permit or pass granted under this Act shall be granted subject to such restrictions and on such conditions as the Board may direct either generally by rule under section 80 or specially in any particular instance [clause 42 (*a*) (iii)]. The particulars in the draft Bill of 1904 are matters that should have legislative force and not be left to the rule-making power of the Board. Although such rules are supposed to be in force at the present day, they are not observed. The Secretary to the Government of Bengal, referring to clause 40 of the draft Bill of 1904, said: 'The Lieutenant-Governor quite admits that the object of this section might be achieved by rules framed under the Act, which would, of course, have the force of law just as fully as the provisions contained in the Act itself. But he considers that it is not only due to the opinions expressed by those who are deeply interested in temperance reform but also due to Government itself that the principles which underlie the Excise Administration of the Government in this respect should be clearly expressed in the law. This clause involves very few alterations in the existing procedure'—(*See* Financial Department, Separate Revenue, No. 181T.—F., Darjeeling, 22nd April, 1904 *paragraph 8*). It is therefore desirable that this clause be reintroduced into the Bill.

"As regards the maximum of retail sale and possession, the Bill leaves the settlement under clause 5 and clause 18 to the Board. This changes the law (section 15 of Bengal Act VII of 1878), and is opposed to the views of the Excise Commission, which, so far as country liquor is concerned, considered that the statutory limit of one quart bottle prescribed by Act XII of 1896 was wise. Some statutory limit should be provided, and temperance workers think that for country liquor the limit of one quart bottle is proper, and it has been suggested that each bottle so sold should be sealed with the seal of the license-holder.

[*Babu Deba Prasad Sarbadhikari.*]

"The newly-given powers to compromise cases of offences under the Excise Act, [*See* clause 68 (*1*) of the Bill] are open to grave objection. The Bill of 1903 proposed to give the Collector, as distinct from the Magistrate, power to compromise cases of offences under the Excise Act. The present Bill goes much further, and, following the precedent of legislation in Madras, proposes that the Collector or any Excise Officer specially empowered by the Local Government in this behalf may accept from a license-holder whose license is likely to be cancelled or suspended payment of a sum of money not exceeding Rs. 200, in lieu of such cancellation or suspension or by way of compensation for such offence. In support of this innovation it has been urged that, under the present law, offenders have invariably to be prosecuted before a Magistrate or their licenses have to be cancelled. There are many cases, it is claimed, in which it would be to the advantage of both the offender and the revenue if the Collector or any Excise Officer specially empowered by the Local Government in that behalf had power to compromise is questionable legislation and takes away from the satisfactory safeguards of Chapter IX to a large degree. It authorises a sort of a Court which is and can be no Court composed of the Revenue officials, and adds to the revenue of the department by compounding cases which merit imprisonment or a small fine. In place of clause 68 (*1*) the present law should stand modified by stating what Magistrates should try Excise cases.

"The exceptions in clause 41 are undesirable, especially regarding exemptions (*a*) and (*c*). It opens the way for the Revenue Authorities to employ for short periods a number of agents who will not come under the restrictions of the Act, and forms an exception to the main principles of the Bill that must be regarded as undesirable."

The motion was then put and agreed to.

The Council was then adjourned to the 26th of March, 1909.

CALCUTTA;
The 20th March, 1909.

F. G. WIGLEY,
Secretary to the Bengal Council.

B. S. Press—24-3-1909—484J—800—W. M. D'C.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met in the Council Chamber on Friday, the 26th March, 1909, at 11 A.M.

Present:

The Hon'ble SIR EDWARD BAKER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble MR. F. A. SLACKE, C.S.I.

The Hon'ble MR. W. C. MACPHERSON, C.S.I.

The Hon'ble MR. E. W. COLLIN.

The Hon'ble MR. F. W. DUKE.

The Hon'ble MR. J. G. CUMMING.

The Hon'ble MR. C. E. A. W. OLDHAM.

The Hon'ble MR. A. S. THOMSON.

The Hon'ble SIR CHARLES ALLEN, KT.

The Hon'ble MR. E. P. CHAPMAN.

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, M.A., B.L.

The Hon'ble MAHARAJADHIRAJA SIR BIJAY CHAND MAHTAB BAHADUR, K.C.I.E., OF BURDWAN.

The Hon'ble BABU GAJADHAR PRASAD.

The Hon'ble BABU DEBA PRASAD SARBADHIKARI, M.A., B.L.

The Hon'ble MR. F. A. LARMOUR.

The Hon'ble BABU RADHA CHARAN PAL.

The Hon'ble MR. M. S. DAS, C.I.E.

The Hon'ble IHTISHAM-UL-MULK RAESUDDOWLA AMIR-UL-OMRA NAWAB ASEF KADR SYUD WASIF ALI MEERZA KHAN BAHADUR MAHABAT JANG, NAWAB BAHADUR of Murshidabad.

The Hon'ble MR. C. W. N. GRAHAM.

[*Babu Gajadar Prasad; Mr. Cumming; Babu Radha Charan Pal; Mr. Oldham; Rai Kishori Lal Goswami, Bahadur.*]

QUESTIONS AND ANSWERS.

DISAFFILIATION OF THE PATNA COLLEGE IN HISTORY.

The Hon'ble BABU GAJADAR PRASAD said :—

The Patna College is the only Government College in Bihar, and it is expected to be a model college. This college has been disaffiliated in History.

There are 75 students in the first-year class of the Patna College; 34 of these students have taken History. In the second-year class there are 55 students, and 20 of them have taken History. In the third-year class there are 23 students, and 17 of them have taken History. Twenty-four out of the 30 students in the fourth-year class have taken History.

In view of these facts and of the hardship on the students caused by the disaffiliation, will it please the Government to consider the advisability of taking measures for the affiliation of the Patna College in History?

The Hon'ble MR. CUMMING replied :—

"Government has created a temporary appointment of Lecturer in History for the Patna College; and an application for affiliation in that subject has already been made to the Syndicate."

SCARCITY OF WATER IN THE DISTRICTS OF BURDWAN, BIRBHUM AND MURSHIDABAD.

The Hon'ble BABU RADHA CHARAN PAL said :—

Is the Government aware of the threatened scarcity of water in the districts of Burdwan, Birbhum and Murshidabad, and what steps does the Government propose to take with a view to averting a crisis which proved so grave last year in these very districts?

The Hon'ble MR. OLDHAM replied :—

"Government has received no information of a threatened scarcity of water in the districts of Burdwan, Birbhum and Murshidabad. The rainfall statistics for the year 1908 show that in the Burdwan district the fall was normal, and that in the Birbhum and Murshidabad districts the fall was about 6 and 9½ inches, respectively, in defect. No serious deficiency in rainfall, therefore, appears to have occurred. During the last three months, the weekly reports, submitted by the local officers to the Director of Agriculture, have shown the water-supply to be sufficient in all three districts. In the circumstances, no special steps are called for."

MINING ENGINEERS.

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, asked :—

Will the Government be pleased to state the number and names of the holders of the Degree of Bachelor in Engineering of the Calcutta University with special training in mining, who passed from the Civil Engineering College at Sibpur under the old rules and regulations, and those of diploma-holders in mining who passed under the present rules; how they are employed, how many of the degree-holders are still employed in the mining district, with their present positions, how many of them joined the Public Works Department, and under what circumstances; also the antecedents, general education, number, names and positions of the working men and the practical men who hold first and second class certificates of competency under the Indian Mines Act, 1901, and the English Mines Act (*i.e.*, holders of certificates as Colliery Managers under the English Mines Act, engaged in Indian mines), and whether these certificated (both English and Indian) Managers are well up in analysing coal and minerals and in the matter of the investigation of mine air and gases met with in mines?

[*Mr. Cumming; Rai Kishori Lal Goswami, Bahadur; Mr. Duke; the President; Mr. M. S. Das.*]

The Hon'ble MR. CUMMING replied:—

"The information asked for by the Hon'ble Member is very minute and in some respects indeterminate. The Government does not consider that any public purpose would be served by collecting it at all commensurate with the labour and possible expense that would be involved; and does not propose therefore to undertake the task."

RATES OF RENT IN GOVERNMENT KHAS MAHALS AND IN PRIVATE ESTATES.

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, asked:—

Will the Government be pleased to lay before the Council a tabular statement showing the rates of rent prevalent in Government Khas Mahals for different classes of lands and those prevalent in private estates for similar kinds of lands, as evidenced by the papers prepared under Chapter X of the Bengal Tenancy Act, 1885, in districts where the operations under that Chapter have been concluded?

The Hon'ble MR. DUKE replied:—

"The districts in which operations under Chapter X of the Bengal Tenancy Act have been concluded are—

(*i*) the districts of North Bihar, and
(*ii*) the temporarily-settled areas of Cuttack, Balasore and Puri.

2. In the first group of districts the practice of classifying lands, and imposing rates of rent thereon, is unusual in private estates. The rents are generally consolidated rents for the holdings as a whole. Hence the settlement records do not show classes of land, or rates of such classes, and it is impossible to prepare from the settlement records the tabular statements desired.

3. In the temporarily-settled areas of Cuttack, Balasore and Puri, the rate recognised by the Settlement Officer was the average rate obtained by dividing the total rent paid by a particular class of raiyats, by the area cultivated by that class. No attempt was made to classify the lands or to fix different rates for different classes. Therefore in the case of these districts also no such tabular statement can be prepared."

The Hon'ble THE PRESIDENT said:—

"As the next question is rather a lengthy one, it will save the time of the Council if the Hon'ble Member will merely ask that the question that stands in his name be asked without reading the whole of it.

DEPUTY PORT OFFICER, CALCUTTA.

The Hon'ble MR. M. S. DAS said:—

I beg to draw the attention of the Government to the following letter published in the *Statesman* of the 2nd March, 1909:—

"DEPUTY PORT OFFICER, CALCUTTA.

"TO THE EDITOR OF THE 'STATESMAN.'

"SIR,—I see in a recent issue of the *Statesman* that the new post of Deputy Port Officer of Calcutta has been created in order, among other things, to allow the Port Officer more time for the supervision of the Orissa ports. Those ports are already groaning under the heavy burden of unnecessary expenditure. It is for the member of Orissa to ask the following questions in Council:—

"1. What is the annual travelling allowance of the Port Officer of the Orissa Ports?

"2. Of the sum allotted, how much is paid towards travelling to Puri, Balasore and Cuttack?

"3. Whether it is necessary for that officer to make frequent visits to those three places?

"It will be interesting to know if the Port Officer of Calcutta or the Accountant-General, or both, are responsible for the neglect to effect a saving when there is plenty of room for it.

X. Y."

"*March 1.*"

With reference to the above letter, I wish to ask the following questions, namely:—

(*a*) Is it a fact that the new post was created to allow the Port Officer of Calcutta more time for the supervision of the Orissa ports?

(*b*) Was it to provide for more frequent or more efficient supervision that this was done?

(*c*) Will the Government be pleased to name the amount of travelling allowance given to the Port Officer of the Orissa Ports?

(*d*) How often has the Port Officer of Orissa visited Cuttack, Puri and Balasore during the current year, and what is the amount of travelling allowance he drew in visiting each of these ports?

The Hon'ble MR. THOMSON replied:—

"(*a*) No. The necessity of allowing the Port Officer more time for the supervision of the Orissa ports was not one of the reasons for creating the post of Deputy Port Officer of Calcutta.

(*b*) No.

(*c*) The Port Officer draws travelling allowance according to the rules of the Civil Service Regulations.

(*d*) The information will be called for and communicated to the Hon'ble Member at the next meeting of Council."

THE BENGAL FINANCIAL STATEMENT FOR 1909-10.

1. The Hon'ble Mr. Oldham laid on the table the Bengal Financial Statement for 1909-10, with explanatory notes. He said:—

"I beg, Sir, to lay on the table the Financial Statement for 1909-10, together with Appendices and Accounts. It will be expected that, in doing so, I should make a few remarks of a general nature to explain the main features of our position.

"With the exceptions which I proceed to note, the Statement has been prepared on the same lines as previous statements. In order to place more fully before Hon'ble Members the growth of Revenue and Expenditure under the various sub-heads, in Appendices A and B, the details by minor heads of actual receipts and charges have been given for four years, viz., 1904-05, 1905-06, 1906-07 and 1907-08, instead of for only one year, as was the previous practice. The form in which the figures of the Education budget have been shown has been considerably modified in order to show the charges for colleges and schools for boys and girls separately, and also to show separately the charges under Primary, Secondary and Technical education, as suggested by one of the Hon'ble Members in this Council Chamber last year. The charges incurred on important civil works in 1907-08, the probable expenditure on these works during the year now ending, and the estimated expenditure in 1909-10 have also been shown in the body of the Statement in explanation of the provision that has had to be made for works already in progress. The charges under Famine Relief in 1908-09, and the estimated charges in 1909-10 have been shown in paragraph 56, as far as figures are available, district by district. A brief explanation has been given of any marked increase or decrease where called for.

"Excluding the special grant of Rs. 50,00,000 towards the Calcutta Improvement Scheme, which is held in trust by this Government and cannot be diverted to any other object of expenditure, the closing balances during the past five years have been:—

	Rs.
1903-04	92,52,919
1904-05	80,00,101
1905-06	62,61,898
1906-07	43,84,443
1907-08	21,27,449

"The gradual absorption of these balances has been very largely due to increased expenditure on Public Works. Taking the revised estimate for the current year, during the five years 1904-05 to 1908-09, the expenditure under this head has aggregated Rs. 3,22,39,906. The assignment made by the Government of India at the last settlement under Civil Works by the Public Works Department was about Rs. 43,00,000. During these five years, therefore, about 107½ lakhs have been spent under this head in excess of the Settlement assignment, or, in other words, the average annual expenditure during these five years has exceeded, by 21½ lakhs, the figure that was taken at the time of the last Provincial Settlement as the standard of expenditure of the Department.

"Other causes for the depletion are the rapid growth of expenditure under the heads Police and Education, and the very heavy charges incurred in the payment of grain-compensation allowances during the past two years and the current year.

"Taking the revised figures of the current year, the charges under Police have risen from Rs. 51,57,000, in 1904-05 to Rs. 78,75,000 in 1908-09, or by about 53 *per cent.* in the short period of four years. A large portion of this extra expenditure has been met, no doubt, from the special assignments made by the Imperial Government from time to time to give effect to the reforms recommended by the Police Commission. These assignments, however, have provided only for the bare increases of staff and of pay and allowances, while the Provincial Revenues have had to bear the cost of the consequential increase in subordinate and menial establishments, supplies and services, contingencies and, perhaps most important of all, the heavy expenditure involved by the necessity of providing the additional buildings and quarters which are as indispensable as the staff itself.

"Under Education the charges in the same period of four years have risen by 84 *per cent.* from Rs. 30,68,000 to Rs. 56,50,600. This latter figure includes a sum of about 5½ lakhs, being the aggregate of the equilibrium grants made to District Boards, which were formerly adjusted under a separate head. Excluding this sum, the percentage of increase during the five years has been 66 *per cent.* If we take the figures from the year 1902-03, when the charges were Rs. 26,09,000, the increase is even more noticeable, amounting to over 95 *per cent.* in six years.

"The additional charges involved by the payment of grain-compensation allowances to whole-time servants of Government on pay not exceeding Rs. 30 have aggregated 23¾ lakhs during the three years ending with the present month. We estimate that next year the charges on this account will amount to about 9½ lakhs, or a total in four years of 33¼ lakhs. These charges were entirely unforeseen when the current settlement was made, and no assignment was, therefore, made on this account.

"Moreover, during the past three years, this Province has suffered from a series of bad agricultural seasons. During 1906-07 the distribution of the rainfall was most unfavourable, and the total outturn of the crops was estimated at only about three-fourths of the normal. High floods in the North Bihar districts destroyed the rice crops, resulting in severe famine in Darbhanga. In 1907-08 the agricultural seasons were again very unfavourable; and the outturn of all crops was much below the average. During the current year the rainfall during the monsoon in North Bihar was only about half the normal. The rains ceased prematurely, and practically no rain fell during the cold weather. Famine has already been declared in several thanas in the Darbhanga district,

and relief operations have already been started on a large scale in this district, and to a less extent in the districts of Muzaffarpur and Bhagalpur. The high prices resulting from this series of bad years have adversely affected the people over the greater part of the Province, and have both directly, as in the case of suspensions and remissions of revenue, and indirectly, as in the case of receipts from Excise and Stamps, checked the normal growth of the Provincial Revenues. Leaving aside the charges on account of relief measures met from Imperial and from local funds, the Provincial Revenues have had to meet an expenditure of Rs. 7,11,138 in 1906-07 and Rs. 2,62,000 in 1908-09; and we already reckon that Rs. 9,14,000 will have to be paid on this account next year. That is to say that during the four years ending on the 31st March next additional unforeseen charges, aggregating nearly 19 lakhs, will have had to be met. The total extraordinary charges on account of grain-compensation allowance and the relief of famine and distress thus amount to upwards of 52 lakhs. Had the Provincial Revenues not had to meet this very heavy additional drain, our balance would not have been wiped out as it has been.

"In March last we estimated that the closing balance of the current year would be Rs. 13,90,000. The conditions of the current year have, however, been quite abnormal, and the total expenditure, according to the revised estimate, has exceeded the original estimate by about 21 lakhs. The causes of this increase have been fully explained in paragraph 5, Part I, of the Statement and in Part II, under the several appropriate heads. Under the sub-heads Law-Officers, Civil and Sessions Courts and Criminal Courts, under the head Courts of Law, there has been an increase of nearly 7 lakhs, almost entirely due to law charges in connexion with the outbreak of anarchism and sedition. There has also been a large increase in Police charges and a small increase under Jails, due to the same causes. Under Marine there has had to be debited in the current year's accounts an additional charge of 4 lakhs, which had been provided in the budget of 1907-08, but was not adjusted in that year. Under Education there has been an enormous increase over the estimates, owing largely to unavoidable charges.

"In normal years there is often a considerable increase in revenue over the estimated receipts to compensate more or less for heavier expenditure; but during the current year the continued prevalence of high prices and the widespread distress have reduced our revenue receipts as well, with the result that, instead of an improvement, there has been a falling off in receipts under the three principal heads of revenue, viz., Land Revenue, Stamps and Excise.

"It will be evident from what I have already said that our present financial position is due, on the one hand, to a succession of very unfavourable agricultural seasons and the consequent prevalence of high prices and distress, and, on the other hand, to the extraordinary expenditure during the current year involved by the criminal prosecutions and other measures undertaken to suppress seditious and anarchical movements. The depression in trade which has so seriously affected the finances of the Supreme Government mainly concerns heads of revenue that are wholly Imperial.

"The revised estimates for the current year, as now finally passed by the Government of India, show receipts aggregating Rs. 5,58,55,000 and a total expenditure of Rs. 5,71,06,000. The receipts include a special grant-in-aid of Rs. 16,95,000 which is being made by the Government of India. We are very grateful to the Government of India for this timely assistance. According to these figures, the closing balance for the year will be Rs. 8,77,000. For next year we have budgeted for receipts aggregating Rs. 5,60,35,000 and for an expenditure of Rs. 5,69,12,000. The deficit of Rs. 8,77,000, which is more than covered by the Provincial share (one-half) of the provision of Rs. 18,27,000 which has had to be made for Famine Relief, will be met from the closing balance of the current year. In our estimates for next year we have assumed that we are not destined to be confronted with a continuance of the bad seasons that have marked the last few years. We may reasonably look forward to better times, to a normal rainfall seasonably distributed and to happier and

more settled political conditions. If we are so fortunate as to realise these hopes, the financial outlook will also be a brighter one.

"It will be clear to Hon'ble Members that our position is one that calls for the exercise of caution and economy. It has not been possible to make provision for any large new schemes and works, many of which are of a very pressing nature; but we have nevertheless been able to allow for the normal expansion of the administration in most departments, as will be seen from the details given under the head of expenditure in Part I (3) of the Financial Statement.

"Under the heads Land Revenue, General Administration and Courts of Law, we have provided in the aggregate a little more than Rs. 4 lakhs to give effect to the proposals of the Ministerial Officers' Salaries Committee for increasing the pay of Ministerial Officers, in respect of which we are awaiting the sanction of the Secretary of State. We have made provision for additional Deputy Collectors and Sub-Deputy Collectors for Survey and Settlement duty, and for increased establishment urgently required in the Excise, Registration, Police, Jails and other Departments. Under Land Revenue we have also made a large provision of Rs. 2,59,000 for bringing up to date the Survey and Settlement records in Orissa. Government has been advised that this is a work of much urgency, and that it will be far more economical to push it through rapidly than to spread it over a considerable number of years. Under Medical we have made a provision of Rs. 50,000 to give effect to certain proposals for the improvement of the pay and prospects of that deserving class of public servants—the Civil Hospital Assistants, which were submitted to the Government of India early last year, and Rs. 30,000 for the improvement of the Sanitary Department in accordance with a scheme suggested by the Government of India in 1907. In connexion with the continued prevalence of malaria in this Province, Government has had under consideration during the past few months certain measures for widely extending the use of quinine as a febrifuge. The scheme will come into force next year. We are now having quantities of quinine made up in the form of small tablets which will be much more palatable than the nauseous powder now distributed. The powder will also of course be available for any one who may prefer it. Hon'ble Members may have noticed that the subject of anti-malarial measures was keenly discussed at the recent Medical Congress held at Bombay, and that of the measures suggested, the one on which all the medical men seemed to be practically unanimous was that of extending the use of quinine. Under Education we have provided for a number of new items, *e.g.*, Rs. 2,00,000 for the construction of *Guru*-training school buildings; Rs. 53,000 for training schools for teachers; Rs. 22,000 for training schools for female teachers; Rs. 20,000 for new Law classes at Bankipore; Rs. 45,000 for additional staff in the Arts Colleges to meet the requirements of the new Regulations; and an aggregate of about Rs. 36,000 for various improvements in the Arts Colleges and in the Sanskrit College and the Calcutta Madrasah. We have provided Rs. 1,50,000 towards the construction of the new Agricultural College buildings and the buildings for the Principal and Professors at Sabaur, besides a sum of Rs. 75,000 towards the cost of fittings and appliances required for the college. We have provided Rs. 1,65,000 for the continuance of the Fisheries inquiry during 1909-10. A great deal of valuable information has already been obtained, as the Hon'ble Members will no doubt have recognised from the contents of the reports published in the Calcutta Gazette, regarding the fish-producing capacity of the Bay of Bengal. As, however, the actual work of the trawler did not properly commence till well on in the monsoon of 1908, the inquiry must continue at least till after the close of the ensuing monsoon, and probably during next cold weather. The time will no doubt come later on when this work should be left to private enterprise. It may be mentioned that the budget provision includes Rs. 6,000 for the cost of the deputation of two Indian students to Europe and America to study pisciculture. Under Irrigation and Minor Works, we have made large provision for the two works, now in progress, known as the Ultadanga-Bamanghatta Canal and the Madaripur Bhil route. These are two very important projects, the nature of which Hon'ble Members will care perhaps to have briefly described. The Ultadanga-Bamanghatta Canal is being constructed to facilitate the heavy boat traffic between

Chitpur and the east, by obviating the delays and difficulties of navigation between Dhapa and Bamanghatta. The channel between these two points is a tidal one, and only navigable for one or two hours before and after high water. By way of the new canal a still-water channel navigable at all times will be provided between the Chitpur and Bhangor Canals. On the existing steamer route from Calcutta to Eastern Bengal there is a narrow channel known as the Angeria creek, situated between Khulna and Barisal. Steamers are unable to pass along it at low tide; and there is always the danger of its closing up altogether through the accumulation of silt. If it were to silt up, the steamer traffic would have to find its way to Calcutta by the sea face. The Madaripur Bhil route, which is now being excavated, is an alternative channel direct from the Madhumati river near Gopalganj to Madaripur on the Kumar river, which connects with the Padma. By means of this route a distance of 135 miles will be saved between Calcutta and Goalundo, and 100 miles between Khulna and Chandpur.

"We have also made provision for continuing or completing certain important civil buildings, *e.g.*, the new Presidency Jail, the Surgical Block and the new 4th Block at the Medical College, and certain other Jail and Court buildings of urgent necessity; and we have provided a sum of 2 lakhs towards the construction of important feeder roads to the railways in the province. Provision has also been made for grants-in-aid towards the most pressing local drainage and water-supply schemes.

"I much regret that our financial position has compelled us to limit the grant for Provincial Civil Works to Rs. 45,10,000. It will be seen from the details that after providing for unavoidable expenditure, viz., establishment, tools and plant and repairs, the balance of the allotment available for original works is only Rs. 17,13,000. With this limited sum it has been impossible to do more than provide for the continuation or completion of works already in progress. There are a large number of urgent projects outstanding for which it has not been possible to make any provision.

"In regard to the 50 lakhs which we hold in trust for the Calcutta Improvement Scheme, I may mention, for the information of certain Hon'ble Members, who raised the question last year, that a representation was made to the Government of India with a view to the money being placed out at interest; but that Government were unable to sanction the proposal.

"The budget will come up for discussion on the 5th of April, and I would ask Hon'ble Members to extend to me the same courtesy as last year, and to let me have very early notice of any points they propose to raise, as it often takes several days to collect, from the different departments and offices, the information required."

THE BENGAL FINANCIAL STATEMENT FOR 1909-10.

Part I.—General Review.

(1) ACCOUNTS FOR 1907-08.

WHEN the revised estimate for 1907-08 was laid before the Council on the 21st March 1908, the closing balance for that year was estimated at Rs. 71,32,000. The accounts of last year have since been finally closed, and show that the actual closing balance was Rs. 71,27,449, or Rs. 71,28,000 in round numbers. The actual receipts exceeded the estimates by Rs. 11,724, and the charges had been under-estimated by Rs. 16,718 only.

(2) REVISED ESTIMATE, 1908-09.

2. The revised estimate for 1908-09, as now passed on the basis of the actuals of the first ten, and in some cases eleven, months of the current year, is compared in the following table with the sanctioned estimate for the year:—

	Sanctioned estimate.	Revised estimate.	Increase (+) or decrease (−).
	Rs.	Rs.	Rs.
Opening Balance... ...	71,32,000	71,28,000	−4,000
Revenue receipts	5,11,35,000	5,09,32,000	−2,03,000
Adjustments	31,21,000	49,23,000	+18,02,000
Total Receipts ...	5,42,56,000	5,58,55,000	+15,99,000
Grand Total ..	6,13,88,000	6,29,83,000	+15,95,000
Total Expenditure ...	5,49,98,000	5,71,06,000	+21,08,000
Closing Balance ...	63,90,000	58,77,000	−5,13,000

3. The increase under Adjustments is due to the additional assignments from Imperial to Provincial detailed below:—

	Rs.
Imperial grant towards making up the Provincial balance ...	16,95,000
Ditto for charges in connexion with Major Sutherland's deputation on special duty at the Medical College	12,000
Ditto for special bonus, equivalent to one week's pay, sanctioned by His Majesty the King-Emperor to all permanent officers of Government in receipt of Rs. 50 or under	1,52,000
Ditto for Archæological expenditure	6,000
Additional assignment for the occupation of the Provincial building No. 2, Bankshall Street, by the Commerce and Industry Department of the Government of India ...	2,000
Grant for the transfer of buildings occupied by the Superintendent, Post Office, Cuttack, to Imperial ...	5,000
Ditto for the charges in connexion with Captain McCay's deputation to conduct an inquiry regarding Jail dietaries	7,000
Ditto for the transfer of a portion of the cost of the Calcutta Collectorate, which was originally wholly debited to Excise, divided equally between Imperial and Provincial, but now transferred partly to Land Revenue, the charges of which Department are wholly Provincial	4,000
Additional assignment for net charges of Inland Labour Transport in Bengal, payable from the revenues of Eastern Bengal and Assam	3,000
Payment of fee to the Sanitary Board, Bengal, by the Eastern Bengal and Assam Government for preparation of a Water-works scheme for the Barisal Municipality ...	4,000
Grant for expenditure on cemeteries	4,000
	18,94,000
Deduct—For smaller grant for capital expenditure on the Madaripur Bhil Route (Rs. 1,69,000 provided in budget *minus* Rs. 77,000 now estimated)	92,000
Total ...	18,02,000

4. The falling off of revenue is the net result of increase under some heads and decrease under others. The improvements aggregate Rs. 6,07,000, and fall principally under the following heads:—

Assessed Taxes (Rs. 1,52,000), due to increased realizations on account of coal profits.

Courts of Law (Rs. 40,000), owing to special receipts from the sale proceeds of unclaimed and escheated properties.

Education (Rs. 1,27,000), due to the refund by District Boards of unappropriated grants made for the construction of Primary school buildings.

Medical (Rs. 28,000), chiefly due to larger receipts from paying patients in the Calcutta Hospitals.

Irrigation—Major Works (Rs. 1,82,000), chiefly owing to larger receipts from water-rates, in consequence of extended irrigation from the Sone Canals during the *rabi* season on account of insufficient rainfall.

Civil Works in charge of the Public Works Department (Rs. 55,000). The increase in this case is distributed under various heads.

The decreases, on the other hand, aggregate Rs. 8,10,000. These fall chiefly under the following heads:—

Land Revenue (Rs. 1,00,000). This is due to short collections, in consequence of famine and scarcity.

Stamps (Rs. 2,75,000). The decrease is chiefly in receipts from Court-fee stamps.

Excise (Rs. 1,50,000). Under this head the normal increase has not been maintained, and the current settlements are not expected to be favourable.

Interest (Rs. 33,000). The decrease is due to non-recovery of interest from cultivators on account of high prices and famine

Jails (Rs. 1,13,000). There has been a marked falling off in the receipts from Jail manufactures, on account of smaller demands from Government departments, especially the Ordnance Department.

Ports and Pilotage (Rs. 35,000). The decrease is due to the falling off in pilotage receipts.

Irrigation—Minor Works and Navigation (Rs. 72,000). There has been a marked falling off under navigation receipts from the Orissa and Calcutta canals.

5. On the expenditure side the revised estimate shows a net increase of Rs. 21,08,000, the greater part of which falls under the following heads:—

Registration (Rs. 62,000), due to the employment of a larger number of sub-registrars and their establishment.

Interest (Rs. 1,12,000), due to the payment of larger loans to agriculturists, and also to the loan of 50 lakhs given to Maharaja Sir Prodyot Kumar Tagore towards the beginning of the year.

Courts of Law (Rs. 5,35,000). The increase under this head is chiefly due to large unforeseen expenditure in connexion with anarchism and sedition cases.

Jails (Rs. 92,000), due to increased charges for dieting prisoners owing to the high prices of food-grains.

Police (Rs. 1,12,000). The increase under this head is chiefly under Superintendence and District Executive Force, and is partly the result of giving further effect to the recommendations of the Police Commission, but it is largely due also to measures necessitated by the outbreak of anarchical crime.

Ports and Pilotage (Rs. 4,83,000). This increase is chiefly due to the adjustment of a sum of Rs 4,00,000, being a part of the cost of the new Pilot vessel *Lady Fraser*, in the accounts of 1908-09, instead of in those of 1907-08.

Education (Rs. 6,49,000), due to larger expenditure on the construction of *Guru*-training school buildings, and increased allotments for grants-in-aid.

Stationery and Printing (Rs. 66,000), chiefly due to larger expenditure on stationery supplied from the Central Stores, owing to an increased demand from the Press.

Miscellaneous (Rs. 82,000). The rise under this head is principally due to a special grant of Rs. 30,000 being given to the Sailors' Home, and to increased expenditure on the Fisheries Inquiry.

Famine Relief (Rs, 1,06,000), due to the continuance of relief measures in different parts of the Province and the recurrence of famine in Bihar.

Irrigation—Major Works (Rs. 1,98,000), partly owing to transfers from Minor Works and partly to charges on account of flood damage repairs and establishment in the Orissa and Sone Canals.

On the other hand, there was a decrease of Rs. 4,95,000 under Medical, owing to the transfer of charges for works of sanitary improvement from this head to the head of Civil Works, besides minor decreases under other heads.

6 The closing balance of the current year, including the sum of 50 lakhs held in trust for the Calcutta Improvement Scheme, was estimated in March last at Rs. 63,90,000, In the revised estimate it is now placed at

Rs. 58,77,000. The figures in paragraph 2 above explain how this total has been arrived at.

(3) BUDGET ESTIMATE, 1909-10.

7. The opening balance of 1909-10 corresponds with the closing balance of the current year, and is therefore placed at Rs. 58,77,000.

8. The estimates for the year, as ultimately passed by the Government of India, show receipts aggregating Rs. 5,60,35,000, an expenditure of Rs. 5,69,12,000, and a closing balance of Rs. 50,00,000. As explained last year, the special grant of Rs. 50 lakhs for the Calcutta Improvement scheme which is held in trust by Government, is included in the Provincial accounts. It is estimated, therefore, that leaving aside this amount, there will be no balance at the close of 1909-10.

9. The estimate of receipts includes the following special assignments from Imperial Revenues:—

	Rs.
For Police re-organization (comprising grants made in previous years aggregating Rs. 12,00,000 and an additional grant of Rs. 2,50,000 given with effect from 1909-10)	14,50,000
On account of the Madaripur Bil Route (maintenance)	50,000
Ditto Ditto (capital)	1,68,000
In connexion with the Famine Relief scheme	4,60,000
For Technical education	55,000
„ European and Eurasian education	65,000
„ abolition of the Patwari Cess in Sambalpur ...	26,000
„ continuous maintenance of record-of-rights in Orissa ...	88,000
„ temporary occupation of 2, Bankshall Street by Commerce and Industry Department	20,000
„ contribution from Eastern Bengal and Assam Government to the Belgachia Veterinary College	28,000
„ provincialization of the Dhaka Canal charges ...	12,000
„ net charges of Inland Labour Transport in Bengal payable from the Provincial Revenues of Eastern Bengal and Assam	13,000
„ increased remuneration to the Solicitor to Government ...	36,000
„ stoppage of free supply of materials by the Central Press, Calcutta, to the Provincial Presses	2,000
„ transfer of the control of Government House and Hastings House gardens to the Superintendent, Royal Botanic Garden	11,000
„ remission of Banking fees levied from Local Funds ...	70,000
„ Ditto Audit fees ditto ...	65,000
„ expenditure on cemeteries	4,000
„ charges in connexion with Major Sutherland's inquiry at the Medical College	23,000
„ transfer of a portion of the cost of the Calcutta Collectorate from Excise to Land Revenue	4,000
„ audit of the Calcutta Municipal accounts	11,000
„ grant to the Bibliotheca Indica Fund of the Asiatic Society	3,000
„ relieving Municipalities of Police charges ...	21,000
„ Sanitary improvements	4,50,000
	29,15,000
Less contribution to Imperial for pensions of Calcutta Police Constables paid in the United Provinces of Agra and Oudh	21,000
Reduction of interest on capital outlay on Irrigation—Major Works	3,15,000
Contribution to Imperial for net receipts from the office of the Agent, Government Consignment, Calcutta, to be provincialized from 1st April 1909	15,000
	3,81,000
Net total (which does not include the fixed adjustment grant of Rs. 7,39,000 made at the last Provincial Settlement. Including this latter amount the total comes to 32,73,000, as shown in the budget under the Head "1—Land Revenue adjustment.") ...	25,34,000

10. On the expenditure side, the total estimated charges for 1909-10 are Rs. 5,69,12,000, exceeding the income by Rs. 8,77,000. This excess of expenditure over income will be met by reduction in the balance. It is more than covered by the provision made in the budget under Famine Relief. The budget includes the following non-recurring charges :—

	Rs.	Rs.
Land Revenue—		
Sundarbans reclamation	35,000	
Initial cost of bringing the Survey and Settlement records in Orissa up to date ...	2,79,000	
Reproduction of maps, Balasore and Puri ...	39,000	
		3,33,000
Ports and Pilotage—		
A new boiler for the steamer *Guide*	52,000	
Construction of a steam-cutter for ditto	8,000	
		60,000
Education—		
Construction of *Guru*-training School buildings ...	2,00,000	
Improvements in the Presidency College ...	10,000	
		2,10,000
Scientific and other Minor Departments—		
Fittings and appliances, Agricultural College ...	75,000	
Purchase of Cinchona bark	50,000	
Construction of a bungalow on the Mansong Cinchona Plantation	10,000	
		1,35,000
Stationery and Printing—		
Purchase of Type-casting machines		41,000
Miscellaneous—		
Fisheries inquiry		1,65,000
Irrigation—Minor Works—		
Ultadanga-Bamanghatta Canal	3,36,000	
Madaripur Bhil Route	3,45,000	
		6,81,000
Civil Works in charge of Civil Officers—		
Grant-in-aid to the Calcutta Municipality towards the cost of drainage of the Fringe Area	50,000	
Realignment of drains in the Presidency Jail ...	95,000	
Allotment for Feeder roads	2,00,000	
		3,45,000
Civil Works in charge of Public Works Department—		
Works in Progress—		
Court buildings, Angul	20,000	
Residence for Deputy Commissioner, Sambalpur ...	20,000	
Civil Courts, Jessore	50,000	
Civil Court buildings and record-room, Darbhanga ...	60,000	
Civil Courts, Arrah	90,000	
New Circuit-house, Arrah	27,000	
New Sub-Jail, Madhubani	22,000	
New Presidency Jail	1,25,000	
Extension of Jail, Khulna	47,000	
Improvements to the sleeping ward, Midnapore Central Jail	20,000	
New Zilla School building, Chaibassa	27,000	
Surgical block, Medical College	1,52,000	
Fourth block, ditto	1,25,000	
Agricultural College, Sabaur	1,50,000	
Sambalpur-Cuttack Road	33,000	
Daltonganj-Ranchi Road	20,000	
Sambalpur-Sonpur Road	27,000	
		10,15,000
Total		**29,85,000**

11. The estimates also provide, in addition to charges due to the normal progress of administration, such as increase in salaries, superannuation charges and the like, for the following special items of a recurring nature:—

	Rs.	Rs.
Land Revenue—		
Maintenance of Land Records in Orissa ..	59,000	
Allotment for increase of salaries of Ministerial officers	1,40,000	
		1,99,000
Excise—		
Reorganisation of the Department	25,000	
Lump provision to give effect to the recommendations of the Ministerial Officers' Salaries Committee ...	12,000	
		37,000
General Administration—		
For charges involved by the proposed enlargement of the Provincial Council	4,000	
Revision of pay of ministerial and menial staff of the Civil Secretariat	15,000	
Audit of Calcutta Corporation accounts ...	11,000	
Allotment for increase of pay of ministerial officers in the offices of the Commissioners of Divisions ...	25,000	
		55,000
Courts of Law—		
Increase of pay of Advocate-General	6,000	
Ditto of Public Prosecutor	6,000	
Allotment for increase of salaries of ministerial officers	2,40,000	
		2,52,000
Police—		
Additional Police reforms		2,50,000
Education—		
Grant to the Calcutta University for Law Classes ...	4,000	
Strengthening the staff of Professors of several Colleges	45,000	
Improvements in the Sanskrit College	5,000	
Ditto Calcutta Madrassa ..	9,000	
New Law Classes at Bankipore	20,000	
Joint Technical Examination Board, Sibpur Civil Engineering College	7,000	
Training Colleges for teachers at Bankipore and Calcutta	53,000	
Training Schools for female teachers at Bankipore and Calcutta	22,000	
Technical School, Bhagalpur	9,000	
Empire Day celebration in Schools and Colleges ...	5,000	
Training of Pleaders in Surveying	15,000	
		1,94,000
Medical—		
Lump provision for improvement of Sanitary Service	30,000	
Ditto ditto of pay and position of Civil Hospital Assistants ...	50,000	
Additional Probationary Chemical Examiner ..	10,000	
Increased scholarships in the Cuttack Medical School	5,000	
		95,000
Scientific and other Minor Departments—		
Additional grant to Asiatic Society for research work	4,000	
Certifying Surgeon and Additional Assistant Inspector of Factories and their establishment, &c.	14,000	
		18,000
Total		11,00,000

12. Appendix C shows the transactions of the District Boards and District Road Committees. The figures in the column of estimates represent those passed by the Commissioners of Divisions.

PART II.—Detailed remarks on the Budget for 1909-10.

RECEIPTS.

13. *Land Revenue.*—The estimate of gross receipts for 1909-10, as passed by the Government of India, is Rs. 2,99,14,000, against Rs. 2,93,03,000, the revised estimate for 1908-09. The estimate includes Rs. 8,65,000 for recoveries of survey and settlement charges, against Rs. 4,95,000 provided in the revised estimate for 1908-09. The details of the recoveries are given in Appendix A.

14. The estimated Provincial share of Land Revenue is calculated as follows:—

	Estimate, 1909-10.
	Rs.
Gross Land Revenue	2,99,14,000
Deduct estimated collections from Government Estates (wholly Provincial)	34,20,000
Deduct recoveries of Survey and Settlement charges (wholly Imperial)	8,65,000
Total Deduction ...	42,85,000
Net amount divisible between Imperial and Provincial funds	2,56,29,000
Provincial share of above (one-half)	1,28,14,000
Add collections from Government Estates (wholly Provincial)	34,20,000
Total Provincial ...	1,62,34,000
Add adjustments as in Appendix A	32,73,000
Total Provincial receipts ...	1,95,07,000

15. *Stamps.*—The budget estimate of the total revenue from Stamps for 1908-09 was passed by the Government of India at Rs. 1,62,50,000. The actuals in 1907-08 amounted to Rs. 1,55,88,275. The actuals of the first ten months of 1908-09, exclusive of receipts on account of unified stamps used as receipt stamps, exceeded the figures for the corresponding period of the preceding year by Rs. 1,09,000 only. In view of these figures, the revised estimate for 1908-09 has been passed for Rs. 1,57,90,000. Allowing for a progressive increase of 8 lakhs, the estimate for 1909-10 has been placed at Rs. 1,65,00,000. The Provincial share is one half, and thus amounts to Rs. 78,50,000 for 1908-09 and Rs. 82,50,000 for 1909-10.

16. *Excise.*—The revenue from Excise for 1908-09 was estimated at Rs. 1,75,00,000. The actuals of 1907-08 amounted to Rs. 1,70,77,699, while the figures for the first ten months of 1908-09 show an increase of Rs. 1,10,000 only over the actuals of the corresponding period of the preceding year. The small increase in 1908-09 is due to the comparative failure of the *mahua* crop, and to the introduction of the Contract Distillery System in certain districts. It is apprehended that the result of the settlements now in progress will not be favourable. The revised estimate for the year has therefore been passed for Rs. 1,72,00,000; and allowing for a progressive increase of 7 lakhs, the estimate for 1909-10 has been placed at Rs. 1,79,00,000. The Provincial share (one-half) amounts to Rs. 86,00,000 and Rs. 89,50,000, respectively.

17. *Provincial Rates.*—The actual collections of the Public Works cess in 1907-08 amounted to Rs. 36,18,453. The revised estimate for 1908-09 has been placed at Rs. 35,93,000, as the receipts in the first ten months of the current year show a slight decrease. An increase is anticipated on the completion of the revaluation proceedings now in progress in the districts of Bankura, Khulna, Midnapore, Murshidabad, Bhagalpur and the Sonthal Parganas; and the estimate for 1909-10 has accordingly been passed for Rs. 36,53,000. Under "General Rates for the management of Private Estates" the estimate of receipts is Rs. 1,63,000, against Rs. 1,57,000, the revised estimate for 1908-09. The increase is due to the fact that certain new estates

have been brought under management. The total estimate for next year thus amounts to Rs. (36,53,000+1,63,000=) 38,16,000.

18. *Assessed Taxes.*—The receipts from Income-tax for 1908-09 were estimated at Rs. 52,25,000. The actual collections in 1907-08 amounted to Rs. 51,97,028, while those of the twelve months ending on the 31st January 1909 were Rs. 54,31,000. In view of this rise, which is mainly due to increased assessments on account of profits made from coal, the revised estimate for 1908-09 has been placed at Rs. 55,30,000. To this amount Rs. 2,70,000 has been added as the average annual normal increase of revenue, and the estimate for 1909-10 has been passed for Rs. 58,00,000. The Provincial share (one-half) is Rs. 29,00,000.

19. *Forests.*—The total receipts under this head for 1909-10 are estimated at Rs. 13,00,000, against Rs. 12,40,000 the revised estimate for 1908-09, and Rs. 11,97,650 the actuals of 1907-08. An increase is expected from the recovery in the timber trade in the Singhbhum and the Sundarbans Divisions. The Provincial share (one-half) is Rs. 6,50,000.

20. *Registration.*—The budget estimate under this head for 1908-09 was Rs. 14,20,000. The collections during the first ten months of the current year show an increase of Rs. 77,000 over those of the corresponding perio of last year; and as the actuals of 1907-08 were Rs. 13,16,556, the revised estimate has been placed at Rs. 14,20,000. Allowing for a normal increase of Rs. 1,30,000 over the revised estimate for 1908-09, the estimate for 1909-10 has been passed for Rs. 15,50,000. The rise in receipts during the current year is attributed to an increase in the number of registrations due to the pinch of high prices. The receipts of this Department are wholly Provincial.

21. *Interest.*—The estimate of loans, as passed by the Government of India, provides for a return in the way of interest during 1909-10 of Rs. 10,90,000, as shown below :—

	Rs.
Interest on advances to cultivators, etc.	5,61,000
„ „ drainage and embankment advances	28,000
„ „ loans to land-holders	2,64,000
„ „ „ to Municipalities and District Boards, etc. ...	1,92,000
Miscellaneous accounts	45,000
Total ...	10,90,000

The large increase under "Interest on loans to land holders" is due to the amount payable on the loan of 50 lakhs granted to Maharaja Sir Prodyot Kumar Tagore last year.

22. *Law and Justice.—Courts of Law.*—The actuals in 1907-08 amounted to Rs. 5,79,615, and the receipts in the first ten months of 1908-09 show an increase of Rs. 52,000 over those of the corresponding period of last year. The revised estimate for 1908-09 has accordingly been placed at Rs. 6,37,000. The increase in the current year, which accrued chiefly under sale-proceeds of unclaimed and escheated property, was abnormal, and cannot be expected to recur. The estimate for 1909-10 has been passed for Rs. 6,00,000.

23. *Jails.*—The actuals for the ten months ending the 31st January 1909 show a decrease of Rs. 74,000 as compared with last year; and as the actuals of 1907-08 were Rs. 11,58,667, the estimate for 1908-09 has been reduced to Rs. 11,37,000, and the estimate for 1909-10 has been passed at Rs. 11,68,000.

24. *Police.*—The actuals of ten months ending the 31st January 1909 show a small increase of Rs. 2,000 over those of the corresponding period of last year; and as the actuals of 1907-08 were Rs. 1,41,084, the revised estimate for 1908-09 has been placed at Rs. 1,44,000. The estimate for 1909-10 is Rs. 1,45,000.

25. *Ports and Pilotage.*—The budget estimate for 1908-09 was Rs. 16,00,000. This has been reduced to Rs. 15,65,000 in the revised estimate, with reference to the actuals of the first ten months of the current year. The falling off has been due to depression in trade. The estimate for 1909-10 is Rs. 15,31,000.

26. *Education.*—The actuals in 1907-08 amounted to Rs. 5,65,590, and the estimate for 1908-09 was Rs. 5,73,000. The collections in the first ten months of the current year show an increase of Rs. 96,000, which is more than

accounted for by the sums refunded by the District Boards out of the grants made to them for Primary school buildings. As further refunds were expected before the close of the year, the revised estimate for 1908-09 has been placed at Rs. 7,00,000. As the District Boards are expected to make refunds of about two lakhs in 1909-10, the estimate of receipts for the year has been passed for Rs. 7,75,000.

27. *Medical.*—The budget estimate for 1908-09 was Rs. 2,54,000, against Rs. 2,38,934 the actuals of 1907-08. The actual collections during the twelve months ending January 1909 amounted to Rs. 2,85,000, and the revised estimate for 1908-09 has been placed at Rs. 2,82,000. The increase in the current year is chiefly under "Hospital receipts," which are expected to rise further on the opening of the paying-patients blocks for Indians at the Calcutta Medical College Hospital. The estimate for 1909-10 has accordingly been passed for Rs. 2,90,000.

28. *Scientific and other Minor Departments.*—The estimate under this head for 1909-10 is Rs. 3,31,000, against Rs. 3,11,000 the revised estimate for 1908-09, and Rs. 2,76,622 the actuals of 1907-08. The increase is partly under "Cinchona Plantation," as the Superintendent anticipates larger sales of sulphate of quinine, and partly under "Receipts on account of experimental cultivation," as the Director of Agriculture expects an increase in the receipts from experimental farms.

29. *Receipts in aid of Superannuation.*—The total receipts for 1909-10 are estimated at Rs. 55,000, against Rs. 54,000 the budget estimate for 1908-09, and Rs. 4,15,661 the actuals of 1907-08. The actuals of 1907-08 include Rs. 3,52,977, the sale-proceeds of the Calcutta Municipal debentures belonging to the Calcutta Police Superannuation Fund, in consequence of the abolition of the fund, the pensionary charges having been assumed by Government.

30. *Stationery and Printing.*—The estimate under this head for 1909-10 is Rs. 1,33,000, against Rs. 1,45,600 the revised estimate for 1908-09, and Rs. 1,32,763 the actuals of 1907-08.

31. *Miscellaneous.*—The receipts for 1909-10 are estimated at Rs. 5,83,000, against Rs. 5,35,000 the revised estimate for 1908-09. The figures for next year include Rs. 15,000 which it is estimated will be obtained by the sale of fish caught by the steam-trawler *Golden Crown*. The receipts under other heads are of a fluctuating character, and call for no remarks. The details are given in Appendix A.

32. *Irrigation—Major Works (Direct Receipts).*—The budget estimate for 1908-09 was Rs. 24,18,000. The revised estimate has been placed at Rs. 26,00,000, owing to larger *rabi* irrigation from the Sone canals consequent upon the scanty rainfall of the year, and to the development of irrigation from the Dhaka canal. The estimate for 1909-10 has been passed for Rs. 24,36,000.

33. *Irrigation—Minor Works and Navigation in Charge of the Public Works Department.*—The budget estimate for 1908-09 was Rs. 6,22,000; but in view of the decrease in collections in the first nine months of the current year, amounting to Rs 3,86,000, against Rs. 4,58,000 in the coresponding period of last year, the revised estimate has been reduced to Rs. 5,50,000. The decrease is chiefly in navigation receipts from the Orissa and Calcutta canals and the Nadia rivers. The estimate for 1909-10 has been placed at Rs. 6,33,000.

34. *Civil Works in Charge of the Public Works Department.*—The budget estimate for 1908-09 was Rs. 3,00,000. This has been raised to Rs. 3,55,000 in the revised estimate, in view of the actuals of the first eight months of the year. The same amount has been taken as the estimate for 1909-10.

EXPENDITURE.

35. *Refunds and Drawbacks.*—The total Provincial expenditure in 1909-10 is estimated at Rs. 1,34,000, against Rs. 1,32,000 the revised estimate for 1908-09, and Rs. 1,51,195, the actuals of 1907-08. The estimates under this head are based, as usual, on the average actuals of the previous three years, excluding special payments.

36. *Assignments and Compensation.*—The budget estimate for the current year was Rs. 70,000. The revised estimate has, however, been placed at Rs. 67,000, against Rs. 63,019, the actuals of 1907-08, in view of the actual

payments during the first ten months of the year. The estimate for next year has been placed at Rs. 70,000.

37. *Land Revenue.*—The total Provincial expenditure for 1909-10 is estimated at Rs. 40,00,000, against Rs 37,20,000, the revised and Rs. 37,85,000, the budget estimate for 1908-09, as shown below :—

	1908-09		1909-10.
	Budget.	Revised.	Budget.
	Rs.	Rs.	Rs.
(1) Charges of District Administration	29,67,000	27,62,000	30,00,000
(2) Charges on account of Land Revenue collections ...	1,500	1,000	4,000
(3) Management of Government estates	3,68,000	4,00,000	3,57,000
(4) Survey and Settlement ...	2,40,500	2,37,000	2,58,000
(5) Land Records and Agriculture	2,80,000	3,20,000	4,41,000
	38,57,000	...	40,60,000
Probable savings ...	72,000	...	60,000
Total ...	37,85,000	37,20,000	40,00,000

Under (1) further provision has been made for an increase in the number of Deputy Magistrates and Deputy Collectors, so as to meet the demands of the Settlement Department. An increased grant has been made for the improvement of Collectorate record-rooms. A larger allotment has been made for the management of private estates, owing to new estates coming under Government management. The budget also includes Rs. 1,40,000 for increase of pay of ministerial officers in accordance with the recommendations of the Ministerial Officers' Salaries Committee. Under (5) Rs. 2,59,000 have been provided for initial expenditure in bringing the survey and settlement records in Orissa up to date, Rs. 59,000 for the revision of the record-of-rights in Orissa, Rs. 39,000 for reproduction of maps, and Rs. 36,000 for the maintenance of records in Sambalpur.

38. *Stamps.*—The estimate for 1909-10 amounts to Rs. 5,05,000, against Rs. 4,80,000, the revised estimate for 1908-09, and Rs. 4,09,954, the actuals of 1907-08. The increase is partly under "Stamp paper supplied from the Central Store," and partly under "District establishment," due to a portion of the establishment of the Calcutta Collectorate previously debited to Excise being now shown under this head. The Provincial share (one-half) is Rs. 2,52,000.

39. *Excise.*—The estimate for 1909-10 is Rs. 8,30,000, against Rs. 8,00,000 the budget grant for the current year. One-half of these charges falls on the Provincial revenues. The increase is due to larger provision for (*a*) establishment for the extension of the Contract Distillery System ; (*b*) charges on account of travelling allowance, as first class rates have been sanctioned for Special Excise Deputy Collectors ; (*c*) construction of spirit warehouses ; and (*d*) increasing the pay of ministerial officers in accordance with the recommendations of the Salaries Committee.

40. *Provincial Rates.*—The estimate for 1909-10 is Rs. 50,000, against Rs. 49,000, the revised estimate for 1908-09, and Rs. 45,282, the actuals of 1907-08. The increase is under "Collection charges," which include a lump provision of Rs. 9,000 for the increase of pay of ministerial officers.

41. *Assessed Taxes.*—The total expenditure for 1909-10 is estimated at Rs. 1,64,000, against Rs. 1,57,000, the sanctioned estimate for 1908-09, and Rs. 1,53,061, the actuals of 1907-08. The increase is due to (*a*) a lump provision of Rs. 3,000 for revision of establishment of the Calcutta Collectorate, (*b*) a lump provision of Rs. 1,000 for raising the pay of Assessors' clerks, and (*c*) a provision of Rs. 2,316 for a temporary Assessor and his establishment in the Burdwan district. A moiety of the charges falls on Provincial Revenues.

42. *Forests.*—The budget grant for 1909-10 is Rs. 5,87,000, against Rs. 6,20,000, the sanctioned estimate for 1908-09, and Rs. 7,13,394, the actuals of 1907-08. The decrease is chiefly due to a smaller provision being made for surveys, and to the absence of any provision for new launches. The Provincial share (one-half) is Rs. 2,93,000.

43. *Registration.*—The estimate for 1909-10 is Rs. 8,24,000, against Rs. 8,32,000, the revised estimate for 1908-09, which, as already explained in paragraph 5 above, is abnormally high. The budget includes provision for a larger number of Sub-Registrars and their establishment.

44. *General Administration.*—The estimate for 1909-10 is Rs. 19,10,000, against Rs. 18,76,000, the grant for 1908-09. The budget includes (*a*) larger provision for rents, rates and taxes, owing to increase in the Municipal assessment on the Lieutenant-Governor's residence at Belvedere, in consequence of the extension of the building; (*b*) provision of Rs. 7,000 to meet the additional charges involved by the expansion of the Legislative Council of which Rs. 3,000 (for furniture, etc.) is non-recurring, and Rs. 4,000 (Travelling allowance and establishment) recurring; (*c*) a lump provision of Rs. 15,000 for revision of the establishment of the Civil Secretariat; (*d*) larger provision for establishment and contingencies under Commissioners owing to the creation of the new Commissionership of Tirhut; and (*e*) provision of Rs. 10,700 to cover the cost of audit of the accounts of the Calcutta Corporation, which has, at the request of the Corporation, been retransferred to the Local Audit Department of the Accountant-General's office.

45. *Law and Justice—Courts of Law.*—The total expenditure during 1908-09 was originally estimated at Rs. 76,75,000, but in the revised estimate the figure has been raised to Rs. 82,00,000. The increase is very large, and is due to heavy unforeseen law charges, consequent upon the outbreak of anarchical crime. The estimate for 1909-10 is Rs. 79,20,000. It includes provision for (*a*) the revision of establishment on the Appellate Side of the High Court, already sanctioned; (*b*) increase in the salary of the Advocate-General; (*c*) increased charges for conducting law-suits and on account of fees to pleaders both in Calcutta and the mufassal; (*d*) a larger grant for allowances to jurors and assessors, and remuneration to copyists in view of past actuals; (*e*) a larger grant for establishment and diet money to witnesses in Criminal Courts. A lump provision of Rs. 2,40,000 has also been kept for the increase of pay of ministerial establishments recommended by the Salaries Committee.

46. *Jails.*—The actuals of 1907-08 were Rs. 26,96,952, and the budget estimate for 1909-10 has been placed at Rs. 27,00,000. It includes provision for the reorganization of the jailors' and warders' services, which has recently been sanctioned.

47. *Police.*—The following table compares the figures under this head:—

Heads.	1907-08, Actuals.	1908-09.		1909-10, Estimate.
		Budget.	Revised.	
	Rs.	Rs.	Rs.	Rs.
(1) Presidency Police ...	11,12,959	12,19,000	11,84,000	12,33,000
(2) Municipal ,, ...	65,793	90,000	8,000	.....
(3) Superintendence ...	2,29,127	2,12,000	2,76,000	2,28,000
(4) Criminal Investigation Department ...	1,20,918	1,40,000	1,36,000	1,92,000
(5) District Executive Force ...	55,09,002	57,22,000	59,18,000	63,34,000
(6) Village Police ...	41,454	43,000	46,000	47,000
(7) Special ,, ..	69,942	68,000	67,000	70,000
(8) Railway ,, ...	2,43,066	2,66,000	2,37,000	2,72,000
(9) Cattle-pounds ...	—161	1,000	1,000	1,000
(10) Refunds ..	1,246	1,000	1,000	1,000
(11) Contribution to Local Funds ...	.....	1,000	1,000	.....
Total ...	73,93,346	77,63,000	78,75,000	83,78,000

The actuals of the first ten months of the current year indicate that there will be considerable excess over the budget allotments in the expenditure under "Superintendence" and "District Executive Force." The revised estimate has therefore been placed at Rs. 78,75,000. The estimate for 1909-10 has been passed for Rs. 83,78,000. This includes larger grants under the

following heads:—(1) Presidency Police, in order to provide a larger number of constables for the local Courts, Government House and the Police lock-up, and consequently larger grants for grain allowances, rents, rates and taxes, etc.; (4) Criminal Investigation Department, for the stregthening and development of the Department necessitated by the outbreak of anarchical crime; (5) District Executive Force, to give effect to certain reforms postponed in 1908-09, and further reforms for which an additional assignment of 2½ lakhs has been made by the Government of India; and (8) Railway Police, to meet the cost of an increase in the force.

48. *Ports and Pilotage.*—The budget estimate under this head for 1908-09 stood originally at Rs. 17,77,000. A provision of 4 lakhs had been entered in the budget for 1907-08 for part payment of the cost of the new pilot vessel *Lady Fraser*. This sum was not, however, adjusted in the accounts for 1907-08 as expected, and it had therefore to be debited in the accounts for 1908-09. Besides this, the revised estimate has been further raised in view of a considerable increase in the actual charges of the first ten months of the year, as compared with the corresponding period of the previous year. The revised estimate now stands at Rs. 22,60,000. The estimate for 1909-10 has been placed at Rs. 12,44,000, and includes a provision of Rs. 52,000 for a new boiler, and of Rs. 8,000 for the construction of a steam-cutter, for the steamer *Guide*. It also includes provision for a Deputy Shipping Master and Deputy Port Officer, a new apppointment which has been created, while the post of Second Assistant Shipping Master has been abolished. The office of the Agent for Government Consignments, Calcutta, will be provincialized from April 1909 and the necessary provision has been made under this head.

49. *Education.*—The total Provincial expenditure for the current year was originally estimated at Rs. 50,01,000, but in view of the actual charges in the first ten months of the current year, which show an increase of Rs. 11,36,000 over those of the corresponding period of last year, the revised estimate has been raised to Rs. 50,50,000, against Rs. 45,52,592, the actuals of 1907-08. The increase is due chiefly to grants for the construction of *Guru*-training school buildings, and increased expenditure under the head Grants-in-aid. The estimate of expenditure for 1909-10 is Rs. 55,57,000. The following table shows the charges under the principal heads since the year 1902-03:—

[The figures are in thousands.]

Heads	Accounts						1908-09.		1909-10.
	1902-03	1903-04	1904-05	1905-06	1906-07	1907-08.	Budget	Revised	Budget
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Direction ..	68	90	90	98	1,21	1,23	1,00	1,12	1,12
University ...	...	...	2,00	87	81	93	80	93	4
Inspection .	2,60	2,57	2,49	2,91	4,66	6,47	6,50	7,64	7,18
Government Colleges, General ..	4 82	4,75	5,32	5,27	6,80	6,35	6,17	6,32	6,46
Government Colleges, Professional ...	2,23	2,67	2,02	2 30	2 78	3,37	3,70	3,77	4,13
Government Schools, General .	4,78	5,32	4,86	5,07	5,91	6,01	6,91	12,24*	12,89*
Government Schools, Special ...	2,17	2,72	3,11	3,16	...97	5,17	7,16	8,32	10,03
Grants-in-aid ...	6 42	7,16	7,62	8,18	10,81	13,33	15,51*	13,44	11,00
Scholarships ..	1,06	1,65	1,69	1,43	1,66	1,71	...70	1,78	1,86
Miscellaneous .	66	1,09	76	96	1,07	83	7a	1,01	1,04
Refunds ..	6	7	2	22	4	3	3	3	3
Technical Education	...		...	...	...	..	35	..	...
	..	...				..	50 07	..	55,74
Lump deduction for probable savings .		...		..		..	56,	.	17
Total	26,79	28,99	30,68	31,69	38,61	46,53	50 01	56,50	55,57

* Includes contributions to District Funds to establish middle vernacular schools previously shown under the head (since abolished of "Contributions from Provincial Revenues."

Provision has been made in the budget for the following new and special charges :—

	Rs.
Grant to Calcutta University for Law Classes	4,000
An Additional Assistant Director	8,600
For improvements in the Presidency College	10,000
Provision for house allowance of Professors in Calcutta ...	4,000
For strengthening the staff of Professors of several Colleges ...	45,000
For additional contract contingent grant of Arts Colleges ...	12,000
For improvement in the Sanskrit College	5,000
Ditto Calcutta Madrassa	9,000
For *Guru* training school buildings	2,00,000
For new Law Classes at Bankipore	20,000
Additional grant for Boarding charges, Civil Engineering College, Sibpur.	7,000
For a Joint Technical Examination Board	7,400
Training Colleges for teachers at Bankipore and Calcutta ...	53,000
Weaving School at Sambalpur	4,700
Training Schools for female teachers at Bankipore and Calcutta	22,000
Technical school, Bhagalpur	8,800
Grant for Hostels on the recommendation of the University ...	50,000
Training of Pleaders in Surveying	15,700
Empire Day celebration in Schools and Colleges	5,000
Grants to District Boards for equilibrium*	5,45,000
Total ...	10,36,200

**Until 1908-09, these grants were shown under "Contribution from Provincial to Local," a head that has been abolished with effect from that year.*

50. *Medical.*—The budget estimate under this head for 1908-09 was Rs. 27,80,600. This has been reduced in the revised estimate to Rs. 22,85,000, owing to the transfer of the special provision of 4½ lakhs for works of sanitary improvement from this head to the head of Civil Works. The estimate for 1909-10 has been passed for Rs. 25,20,000. The estimate includes Rs. 10,000 for anti-malarial measures; Rs. 30,000 for improvement of the Sanitary Service; Rs. 50,000 for improvement of the pay and position of Civil Hospital Assistants; Rs. 23,000 for charges in connexion with the special inquiry being conducted, under the orders of the Government of India, by Major Sutherland, I.M.S., at the Medical College; Rs. 10,000 for an additional Probationary Chemical Examiner; Rs. 5,000 for increased scholarships for Uriyas at the Cuttack Medical School; Rs 13,000 for additional Demonstrators, Professors, etc., in the Medical College; and larger grants for diet of patients, clothing, bedding, etc., in the several hospitals. The total grants under the latter subheads for 1909-10 are shown below :—

	Salaries.	Establishment.	Clothing.	Diet.	Other supplies.	Contingencies
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Medical College Hospital ...	41,670	38,434	7,000	70,000	65,376	48,530
General Hospital	63,413	27,238	3,000	65,000	42,000	41,012
Campbell Hospital ...	4,260	36,282	40,000		12,607	11,687
Albert Victor Leper Asylum ...	5,040	4,392	1,250	13,000	800	4,560

51. *Political.*—The estimate for 1909-10 is Rs. 56,000, against Rs. 55,000, the revised estimate for 1908-09, and Rs. 47,083, the actuals of 1907-08. The figures call for no special remarks.

52. *Scientific and other Minor Departments.*—The estimate for 1909-10 is Rs. 14,05,000, against Rs. 12,78,000, the budget grant for 1908-09, and Rs. 10,76,142, the actuals of 1907-08. Provision has been made in the budget for the following special charges:—

	Rs.
Additional grant to the Asiatic Society for research work ...	4,000
Fittings and appliances for the new Agricultural College at Sabaur	75,000
Purchase of Cinchona bark	50,000
Construction of a bungalow at Mansong	10,000
Certifying Surgeon and Additional Assistant Inspector of Factories and their establishment	14,000

53. *Superannuation.*—The charges under this head show a steady increase from year to year, owing to the increase in the claims to pension. The estimate for 1909-10 is Rs. 27,48,000, against Rs. 26,18,000, the revised estimate for 1908-09, and Rs. 25,91,642 the actuals of 1907-08.

54. *Stationery and Printing.*—The estimate for 1909-10 is Rs. 13,71,000, against Rs. 13,58,000, the revised estimate for 1908-09, and Rs. 14,67,251, the actuals of 1907-08. The budget includes a provision of Rs. 41,000 for type-casting machines which have been indented for from Europe, and for type-casting establishment, as it has been decided to have type cast in future under the direct supervision of the Superintendent.

55. *Miscellaneous.*—The revised estimate for 1908-09 is Rs. 4,75,000, against Rs. 3,93,000, the original budget estimate. The increase is chiefly due to a special grant of Rs. 30,000 to the Sailors' Home, Calcutta, which was not drawn in 1907-08, and to increased provision for the Fisheries inquiry. The estimate for 1909-10 is Rs. 5,27,000, and includes Rs. 1,65,000 for the Fisheries inquiry. The budget under this head also provides for the office of the Controller of Office Systems, which was formerly included under "Board of Revenue" in the General Administration Budget.

56. *Famine Relief.*—The total expenditure on relief measures will amount to about Rs. 11,50,000 in 1908-09; and the estimate for next year is Rs. 18,27,000. The figures are shown district by district below:—

	Revised estimate, 1908-09.	Estimate, 1909-10.
	Rs.	Rs.
Burdwan	700	.....
Bankura	52,000	.....
Nadia	1,50,000	1,00,000
Jessore	35,300	.....
Shahabad	.....	50,000
Purnea	.....	25,000
Muzaffarpur	.....	5,95,000
Darbhanga	2,31,000	8,00,000
Monghyr	30,000	20,000
Bhagalpur	42,000	1,25,000
Sonthal Parganas	.....	50,000
Cuttack	1,25,000	.....
Balasore	1,22,000	17,000
Angul	35,000	.....
Puri	84,000	15,000
Hazaribagh	41,000	.....
Ranchi	2,00,000	.....
Palamau	.....	30,000
Singhbhum	2,000	.....
Total ...	11,50,000	18,27,000

The annual credit to Bengal on account of Famine Relief is Rs. 2,60,000, but the expenditure in the first five years from 1907-08 will be treated

as Imperial up to a limit equal to five years assumed credit, or Rs. 2,60,000 × 5 = 13,00,000. When this credit is exhausted, the expenditure is divided equally between Imperial and Provincial. The actual expenditure in 1907-08 was Rs. 6,74,000, and the charges for the current year, as now estimated, amount to Rs. 11,50,000, making a total of Rs. 18,24,000, against the assumed credit of Rs. 13,00,000. The excess over credit is thus Rs. 5,24,000, and one-half of this, or Rs. 2,62,000, will be charged to Provincial. The expenditure in 1909-10 is estimated at Rs. 18,27,000, and one-half of this, or Rs. 9,14,000, will be Provincial.

57. *Irrigation—Major Works (Working Expenses).*—The actual charges in 1907-08 were Rs. 14,25,201. The budget estimate for 1908-09 was Rs. 12,75,000, which has been raised to Rs. 14,73,000 in the revised, partly by transfer from the head "43—Minor Works and Navigation," but chiefly in consequence of additional charges incurred on establishment and flood damage repairs in Orissa and on the Sone Canals. The estimate for 1909-10 has been placed at Rs. 13,44,000 in view of actual requirements.

58. *Irrigation—Minor Works and Navigation in charge of the Public Works Department.*—The actual expenditure during 1907-08 was Rs. 18,77,214. The budget estimate for 1908-09 was Rs. 20,26,000, but in the revised estimate this has been reduced to Rs. 19,93,000, chiefly in consequence of the transfer of Rs. 40,000 to "42—Major Works", against an additional grant of Rs. 20,624 for the Ghora Katora Irrigation Scheme, and of Rs. 3,250 for the clearance of silt in Harikhally and Chunamara khals, in the district of Midnapore. The estimate for 1909-10 has been placed at Rs. 21,31,000. It includes Rs. 3,36,000 for the Ultadanga-Bamanghatta canal, and Rs. 3,45,000 for the Madaripur Bhil scheme, as well as provision for enlarging the cross-section of the first reach of the Taldanda canal, and for raising the flood bank of the Pattamundi canal.

59. *Civil Works.*—The estimate of expenditure for 1909-10 has been placed at Rs. 45,10,000, against Rs. 61,76,000, the revised estimate for 1908-09, and Rs. 72,53,933, the actuals of 1907-08. The following figures show the distribution of the allotment as compared with the two preceding years:—

	Actuals. 1907-08. Rs.	Revised Estimate. 1908-09. Rs.	Estimate. 1909-10. Rs.
Original Works ...	46,30,111	35,66,000	17,13,000
Repairs	15,03,481	14,48,000	16,00,000
Establishment	9,59,300	10,20,000	11,46,406
Tools and Plant ...	64,906	68,000	50,594
Stock and Suspense ...	96,135	74,000	.....
Total ...	72,53,933	61,76,000	45,10,000

The statement below shows the actual expenditure during 1907-08, the estimated expenditure during 1908-09 and the allotments for 1909-10 in respect of the principal original works in progress during the past two years. It will be observed that the list contains no new projects. The funds at our disposal have only been sufficient to provide for the continuation or completion of works already in hand.

	1907-08. Rs.	1908-09. Rs.	1909-10. Rs.
Extension of the High Court buildings ...	2,12,740	60,250	.....
Construction of record-racks, provision for furniture, sanitary fittings, drainage and water-supply and electric lights and fans in the High Court ...	82,005		
New hostel for Veterinary College, Belgachia ...	59,298	.....	.....
New Presidency Jail	1,92,934	95,000	1,25,000
Construction and fitting of new Darbar Hall, Belvedere	1,78,575	19,500	.....

	1907-08.	1908-09	1909-10.
	Rs.	Rs.	Rs.
Paying Patients' Block (Woodburn Ward) in the Presidency General Hospital	1,10,069	50,300	.....
Acquisition of land for Government brick-field, Bally	2,78,993	27,000	.....
New two-storied ward in Campbell Hospital ...	1,00,175	1,08,000	.....
Acquisition of land for improvement of the Haritola *basti* for the extension of the Campbell Hospital ...	1,41,946	...	... ..
Additional accommodation for Civil Courts, Jessore	15	10,000	50,000
Acquisition of Ross Distillery for Reserve Police Barrack, Howrah	1,25,000	1,30,286	.....
Filling up the low ground to the east of the land acquired for official residences, Howrah ...	24,871	10,000	.....
New Surgical Block at the Medical College Hospital	1,73,173	1,72,000	1,52,000
Isolation Block at ditto ...	28,649	14,700	....
Wards for Indian paying patients at the Medical College Hospital (acquisition of land) ...	1,40,451	.....	.....
Fourth Block, Medical College	1,473	22,400	1,25,000
Purchase of Campbell Cottage, Darjeeling ...	50,040	.....	.....
Civil Officers' quarters at Burdwan	... ..	1,13,810	... ..
Temporary sheds at the Presidency College ...	.....	22,000	.....
Land Acquisition for the extension of the Presidency College	.. ...	2,50,000	.....
Police Training School, Dorauda	1,23,988	54,700	.....
New double-storied Judge's Court, Arrah ...	21,127	35,000	90,000
Civil Court buildings and record-room, Darbhanga	26,916	60,000	60,000
Extension of Khulna Jail	8,409	37,700	47,000
Improvements to the sleeping wards in the Central Jail, Midnapore	68,404	43,000	20,000
New Sub-Jail at Madhubani	.....	5,000	22,000
Deputy Commissioner's Court, Halursingha (Angul)	5,813	21,000	20,000
Ditto residence, Sambalpur ...	.....	3,000	20,000
New Circuit House, Arrah	... ..	2,770	27,000
New Zilla School building, Chaibassa	2,604	20,000	27,000
Agricultural College, and quarters for Principal and Professors, Sabaur	.....	1,00,000	1,56,000
New High Level Tista Valley Road, Section I .	1,23,797	63,700	13,000
Ditto ditto, Section II ...	1,69,098		
Constructing Cuttack-Sambalpur Road, Khalsa Section	33,113	49,000	33,000
Daltonganj-Ranchi Road	.....	2,500	20,000
Sambalpur-Sonpur Road	18,592	21,500	27,000
Acquisition of land for projected improvements, Ranchi	1,74,011	4,571	.....
Patna College Scheme	35,196	25,300	19,000

60. *Civil Works in charge of the Civil Department.*—The estimate for 1909-10 is Rs. 24,86,000. This includes a provision of Rs. 13,81,000 for grants to District Funds and District Road Funds, of which 2 lakhs are for feeder roads and Rs. 9,13,000 for grants to District Boards for augmenting their resources. It

also provides Rs. 10,60,000 for grants to Municipalities and other Excluded Local Funds, of which the principal items are:—

	1908-09. Revised Estimate.	1909-10. Estimate.
	Rs.	Rs.
Grant-in-aid to the Calcutta Municipality for the removal of the refuse platform near the Campbell Hospital	45,000	.....
Grant-in-aid to the Calcutta Municipality towards the cost of the drainage of the Fringe Area	.....	50,000
Realignment of drains in the Presidency Jail	25,000	95,000
Monghyr Municipality, for water-supply ...	78,203	.....
Puri ditto ditto ...	1,00,000	.....
Burdwan ditto ditto ...	10,000	.....
Berhampore ditto for drainage ...	25,750	.....
Gaya Municipality, for water-works ...	75,000	25,000
Hooghly-Chinsura Municipality, for water-supply	30,000	70,000
Serampore Municipality, for water-supply ...	20,000	20,000
Shahabad Municipality, for drainage scheme	25,000	25,000
Burdwan Municipality, for drainage ...	.....	50,000
Ditto, for the new central hospital and dispensary	.....	40,000
Bhatpara Municipality, for drainage ...	.....	25,000
Patna Municipality, for third pumping station for flushing drains, and for Dom shed	60,000	.....
Darjeeling Municipality, for sanitary improvements	50,000	.....
Howrah Municipality, for land acquisition for roads	12,200	9,986
Grants placed at the disposal of the Divisional Commissioners	60,500	60,500

BENGAL PROVINCIAL REVENUE.

Receipts.	Actuals.				1908-09		1909-10.
	1904-05.	1905-06.	1906-07.	1907-08.	Sanctioned estimate.	Revised estimate	Budget estimate.
1	2	3	4	5	6	7	8
	Rs.	Rs	Rs.	Rs.	Rs	Rs.	Rs.
Opening balance ...			1,12,61,898	93,84,443	71,32,000	71,28,000	58,77,000
al Heads of Revenue—							
I—Land Revenue. { Proper ...	73,61,992	76,27,997	1,62,06,515	1,57,44,049	1,61,89,000	1,60,89,000	1,62,34,000
I—Land Revenue. { Adjustment ..	49,48,794	+95 62,984	+12,14 648	21,01,634	31,21,000	49,23,000	32,73 000
V.—Stamps	67,51,941	71,60 123	73,53,349	77,91,138	81,26,000	78,50,000	82,50,000
V—Excise	61,55,260	66,75,506	80,40,696	86,38,849	87,50,000	86,00,000	89,50,000
I—Provincial Rates ...	36,43,992	36,48,342	36,18,246	37,78,488	37,72,000	37,50,000	38,16,000
II—Assessed Taxes	10,88,470	11,60,853	24,38,631	25,09,514	26,13,000	27,65,000	29,00,000
X.—Forests	2,30,226	2,48,269	5,32,929	5,98,825	6,10,000	6,20,000	6,50,000
X.—Registration	10,18,261	10,82,248	12,26,432	13,46,566	14,20,000	14,20,000	15,50,000
Total ...	3,11,88,936	3,70,66,261	4,06,26,346	4,25,01,003	4,46,00,000	4,60,17,000	4,56,23,000
III.—Interest	2,63,720	2,52,386	2,62,046	3,49,990	5,97,000	5,34,000	10,90,000
. by Civil Department—							
VI.—Law and Justice—							
Courts of Law	5,61,378	5,61,310	5,73,507	5,70,615	5,97,000	6,37,000	6,00,000
Jails	12,31,117	12 19,629	12,07,552	11,58,667	12,50,000	11,37,000	11,68,000
—Police	1,68,016	1,27,406	1,38,965	1,41,084	1,40,000	1,44,000	1,46 000
—Ports and Pilotage ...	14,96,653	15,04,678	15,39,308	14,90,708	16,00,000	15,65,000	15,31,000
—Education	5,78,616	5,80,881	5,60,354	5,65,590	5,73,000	7,00,000	7,75,000	
A—Medical . ..	2,46,387	4,64,165	2,43,355	2,38,934	2,54,000	2,82,000	2,90,000
II.—Scientific and other Minor Departments	2,74,454	2,71,008	2,82,319	2,76,622	3,12,000	3,11,000	3,31,000
Total ...	45,56,651	47,20,087	45,45,360	44,51 220	47,26,000	47,76,000	48,40,000
Miscellaneous—							
XXII.—Receipts in aid of Superannuation . ..	59,370	86,029	63,729	4,15,664	54 000	55,000	55,000
XXIII.—Stationery and Printing	1,31,834	1,23,228	1,34,920	1,32,763	1,37,000	1,45,000	1,93,000
XXV.—Miscellaneous ...	5,95,684	5,04,862	6,50,180	5,86,455	5,40,000	5,35,000	5,83,000
Total ...	7,86,888	7,13,919	8,47,829	11,34,882	7,31,000	7,35,000	7,71,000
tion—							
XIX.—Major Works (direct receipts) . ..	20,46,167	21,39,054	22,97,528	23,80,950	24,18,000	26,00,000	24,36,000
XXX.—Minor works and navigation—							
By Public Works Department ..	7,01,154	6,67,845	6,60,499	6,52,852	6,22,000	5,50 000	6,33,000
By Civil Department ...	1,42,833	1,22 160	1 18,688	1,07,147	1,07,000	1,04,000	1,07,0 0
Total .	28,90,154	29,29,059	30 7*,715	31,40,949	31,47,000	32,54,000	31,76,000
ngs and Roads—							
XXII.—Civil Works—							
By Public Works Department .	3,89,393	2,25,868	3,19,626	3,41,459	2,90,000	3,55,000	3,55,000
By Civil Department ...	1,33,777	1,91,890	1,81,234	1,76,872	1,85,000	1,84,000	1,90,000
Total ...	5,73,170	4,17,758	5,00,859	5,18,331	4,85,000	5,39,000	5,45,000
Contributions ...	47,000	43,529	4,98,237	55,349	.....	... ..	.....
Total ...	4,03,06,619	4,61,42,940	5,03,57,982	5,21,51,724	5,42 56,000	5,58,53,000	5,60,35,000
Grand Total ...			6,16,18,980	6,15,86,167	6,13,88,000	6,29,83,000	6,19,12,000

BENGAL PROVINCIAL EXPENDITURE.

Expenditure.	Actuals.				1908-09.	
	1904-05.	1905-06.	1906-07.	1907-08.	Sanctioned estimate.	Revised estimate.
1	2	3	4	5	6	7
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Direct demand on the revenues—						
1. Refunds and drawbacks ..	99,093	1,13,549	1,16,578	1,51,195	1,27,000	1,32,000
2. Assignments and Compensations	1,14,854	38,792	69,324	63,019	70,000	67,000
3. Land Revenue	30,70,836	32,27,985	35,26,901	37,18,322	37,86,000	37,20,000
6. Stamps	2,10,272	2,19,272	2,04,010	2,04,977	2,41,000	2,40,000
7. Excise	2,98,873	3,01,763	3,71,560	3,86,524	4,00,000	4,00,000
8. Provincial Rates ..	53,330	56,968	55,784	45,282	52,000	49,000
10. Assessed Taxes ..	32,166	35,976	76,115	76,531	79,000	80,000
11. Forests	1,25,586	1,29,102	3,16,214	3,56,697	3,10,000	3,11,000
12. Registration	5,87,161	6,08,240	6,42,687	7,52,153	7,70,000	8,32,000
Total ...	45,91,624	47,31,650	53,78,203	57,54,709	58,34,000	58,31,000
Interest on ordinary debt	1,82,758	2,10,291	2,36,226	3,02,281	3,90,000	5,02,000
Post Office	.....	1,905	.....	.....	.....	.....
Salaries and Expenses of Civil Department—						
18. General Administration ...	17,27,196	19,26,688	18,41,197	18 73,543	18,76,000	18,63 000
19. Law and Justice { Courts of Law	69,78,696	71,28,326	74,09,956	76,81,397	76 75,000	82,00,000
19. Law and Justice { Jails ...	19,02,245	24,50,234	26,63,436	26,96 952	26,50,000	27,42 000
20. Police	61,57,102	58 99,674	69 05,442	73,93 346	77,63,000	78,75,000
21. Ports and Pilotage	18,90,673	12,70,369	11,74,753	11,96,783	17 77,000	22,60,000
22. Education ...	30,67,891	31,68,646	38,50,750	45,52,592	50,01,000	56,60,000
24. Medical	19,91,050	21,74 075	21,96,763	23,41,779	27,80,000	22,85,000
25. Political	12,695	12 637	41,248	47,083	50 000	55,000
26. Scientific and other Minor Departments.	6,94,514	9,72 543	9,73,964	10,76,142	12,78,000	12,78,000
Total ...	2,33,62 062	2,49,98,192	2,70,56,739	2,86,38,617	3,08,50,000	3,22,08,000
Miscellaneous—						
29. Superannuation, &c ...	22,93,065	23,92,560	24,86,487	25,91,642	26,81,000	26,18,000
30. Stationery and Printing ..	9,71,423	10,78,997	12,85,202	14,67,251	12,92,000	13,58,000
32. Miscellaneous	3,05,897	3,46,929	3,46,620	3,91,254	3,93,000	4,75,000
Total ...	35,70,385	38,18,486	41,18,289	44,50,147	43,66,000	44,51,000
Famine Relief and Insurance—						
33. Famine Relief	.....	.....	7,11,138	.....	1,56,000	2,62,000
Avoidance of Debt... ...	.. ...	.....	.....	2,60,000	2,60,000	2,60,000
Railways (Revenue Accounts)—						
40. Subsidised Companies—Land, etc.	3,965	21	....	3,413	.....	.....
Total ...	3,965	21	7,11,138	2,63,413	4,16,000	5,22,000
Irrigation—						
42. Major Works—						
Working expenses	9,88,005	10 18,139	11,88,907	14,25,201	12,76,000	14,73,000
Interest on debt	24,51,988	24 51,959	21,21,310	21,06,966	21,24,000	21,08,000
43. Minor Works and Navigation—						
By Public Works Department...	16,86,998	21,57,993	19,06,731	18,77,214	20,26,000	19,93,000
By Civil Department ..	5,569	9,905	10,211	12,680	11,000	11,000
Total ...	51,32,560	56,37,996	52,27,159	54,22,061	54,36,000	55,85,000
Buildings and Roads—						
45. Civil Works—						
By Public Works Department	58,37,818	62,78,627	66,93,128	72,53,933	55,71,000	61,76,000
By Civil Department ..	1,82,340	1,70,524	1,87,059	4,01,293	21,36,000	18,31,000
Total .	60,20,258	64,49,151	68,80,487	76,58,226	77,06,000	80,07,000
Contributions ..	10,68,000	22,76,559	26,26,296	19,19,273	.....	.....
Total ..	4,39,21,612	4,81,24,261	5,22,34,537	5,44,08,718	5,49,98,000	5,71,06,000
Closing balance ..			93,84,443	71,27,449	63,90,000	58,77,000
Grand Total ...			6,16,18,980	6,15,36,167	6,13,88,000	6,29,83,000
Provincial surplus (+) or deficit (—) ...			—18,77,455	—22,56,994	—7,42,000	—13,51,000

Bengal Provincial Receipts, in detail of minor heads.

[Figures in columns (7) and (8) are those accepted by the Government of India.]

The remarks in column 9, except where specially explained, up to differences between columns 6 and 8.

I.—Land Revenue—

Heads.	1904-05 Actuals.	1905-06 Actuals.	1906-07 Actuals.	1907-08. Actuals.	1908-09. Budget estimate.	1908-09. Revised estimate.	1909-10 Budget estimate.	Remarks.
1	2	3	4	5	6	7	8	9
Gross Land Revenue ...	Rs. 2,81,82,526	Rs. 2,92,18,589	Rs. 2,89,04,871	Rs. 2,92,05,720	Rs. 2,99,50,000	Rs. 2,93,03,000	Rs. 2,99,14,000	Fluctuations due to recoveries of Survey and Settlement charges.
Deduct collections from Government estates which are wholly Provincial from 1906-07 ..	3,51,089	3,91,096	34,12,948	30,36,761	33,70,000	33,70,000	34,20,000	Actuals of 1904-05 and 1906-06 represent twelve per cent. on collections, while the figures for succeeding years are for full collections, which have been made wholly Provincial since 1906-07. Decrease in 1907-08 is due to suspension of revenue owing to scarcity
Deduct recoveries of Survey and Settlement charges which are Imperial ...	3,87,826	2,79,590	—95,211	7,54,384	9,42,000	4,96,000	8,65,000	

	Revised estimate, 1908-09.	Estimate, 1909-10.
	Rs.	Rs.
Purnea	4,96,000	..
Ranchi		3,10,000
Patna Division	...	2,50,000
South Monghyr	.	3,00,000
,, Bhagalpur ...	..	5,000
	4,96,000	8,65,000

Total Deduction ..	7,38,915	6,70,686	33,17,737	37,91,145	43,12,000	38,66,000	42,85,000	
Net amount divisible between Imperial and Provincial	2,81,43,611	2,85,47,903	2,55,87,134	2,54,14,575	2,56,38,000	2,54,38,000	2,56,29,000	
Provincial share of above	70,10,903	71,36,901	1,27,93,567	1,27,07,288	1,28,19,000	1,27,19,000	1,28,14,000	
Add collections from Government estates ..	3,51,089	3,91,096	34,12,948	30,36,761	33,70,000	33,70,000	34,20,000	
Total Provincial ..	73,61,992	75,27,997	1,62,06,515	1,57,44,049	1,61,89,000	1,60,89,000	1,62,34,000	
Add on account of adjustments as shown in next page ..	49,48,794	95,82,984	12,14,548	21,01,634	31,21,000	49,23,000	32,73,000	
Grand Total Provincial share ..	1,23,10,786	1,71,10,981	1,74,21,063	1,78,45,683	1,93,10,000	2,10,12,000	1,95,07,000	

Adjustments—

Heads.	1904-05. Actuals.	1905-06. Actuals.	1906-07. Actuals.	1907-08. Actuals.	1908-09. Budget estimate.	1908-09. Revised estimate.	1909-10. Budget estimate.	Remarks.
1	2	3	4	5	6	7	8	9
Contribution from Imperial to Provincial.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Fixed adjustment under the Provincial Settlement ...	49,03,000	49,03,000	7,39,000	7,39,000	7,39,000	7,39,000	7,39,000	
Contributions for Sikkim Police	5,080	3,000	.....	.....	.....	.....	.....	
Grants-in-aid to District Boards	.....	12,50,000	.....	.....		...	.. ...	
On account of expenditure in connection with Settlement operations in Chanderpur Padampur estate and Phaljhar zamindari in the Central Provinces	.....	.....	5,000	.....	.....	.....	.. ...	
On account of Madaripur Bhil Route (Maintenance) ...	.....	.....	50,000	50,000	50,000	50,000	50,000	
For capital expenditure on ditto	.....	.....	.....	50,000	1,69,000	77,000	1,68,000	Budget represents moiety of the net capital outlay on the scheme payable by the Government of Eastern Bengal and Assam. Revised includes Rs. 15,000 for 1907-08 not credited in that year.
For Cantonment Magistrates ...	.....	.. -	29,000	.....	.....	.....	.....	Imperialized from 1st April 1907.
In connection with the Famine-relief Scheme	.....	... ..	.....	2,50,000	2,50,000	2,50,000	2,50,000	
For Archæological expenditure	.....	.....	10,000	7,134	.....	6,000	.....	
For Cantonment Police ...	.....	10,000	.. ...	...	...	...	... .	
Adjustment of expenditure incurred in connection with the repairs of Archæological remains at Monair	.....	.....	706	.....	... ..	.....	.....	
Assignment for Police reforms ...	.....	12,00,000	4,00,000	8,00,000	12,00,000	12,00 000	14,50,000	Budget includes an additional assignment of Rs. 2,50,000 for further police reforms.
For Technical education ...	.....	.. ...	35,000	35,000	35,000	35,000	35,000	
For European and Eurasian education	.....	.....	65,000	65,000	65,000	65,000	65,000	
For Primary education ...	.....	10,00,000	.....	.....	.....	. ..	.....	
For improving the Provincial								

For University and Collegiate education	2,00,000	1,10,000	1,60,000	1,60,000	1,60,000	1,60,000	.....	
On account of the abolition of the Patwari Cess in Sambalpur ...	.....	.....	26,000	26,000	26,000	26,000	26,000	
For continuous maintenance of Records in Orissa ..	.....	.....	.....	29,000	59,000	59,000	88,000	
Assignment in connection with the surplus of the Eastern Bengal districts for 1906-06 ...	.....	7,55,747	2,22,622	.....	.....	.....	.....	
For excess of expenditure over receipts in the transferred area in Sambalpur from 16th October 1905 to 31st March 1906	.....	9[illegible],000	.....	.....	.....	.....	.....	
For occupation of 2, Bankshall Street, by Commerce and Industry Department ...	.....	16,000	16,000	16,000	16,000	18,000	20,000	
On account of Eastern Bengal and Assam Government's contribution to the Belgachia Veterinary College .	.....	.....	28,000	28,000	28,000	28,000	28,000	
For the development of Agricultural and Veterinary Departments . ..	.....	3,50,000	.....	..	.....	.....	.....	
For charges in connection with Major Sutherland's enquiry in the Medical College ...	.....	.....	.....	.....	.....	12,000	23,000	
Contribution for the preservation of ancient manuscripts ...	6,000	6,000	.....	.....	.....	.....	.....	
Contribution for monuments and antiquities	15,000	15,000	.....	.....	.....	.....	.....	
Grant for special bonus to low-paid Government servants ...	.....		.....	.....	.....	1,52,000	.....	Includes Rs. 1,43,000 for Civil Department and Rs. 9,000 for Public Works Department.
Transfer of buildings occupied by Superintendent, Post Office, Cuttack, to Imperial Government of India, Commerce and Industry Department letter No. 11148—264 dated 9th December 1908, to the Director-General of Post Office of India) ...	.....	.....	.....	.....	.....	6,000	.....	
Charges in connection with Captain McCay's deputation to conduct the enquiry regarding jail dietaries	.....	.....	.....	.....	.....	7,000	.....	

HEADS.	1904-05.	1905-06.	1906-07.	1907-08.	1908-09.		1909-10.	REMARKS.
	Actuals.	Actuals.	Actuals.	Actuals.	Budget estimate.	Revised estimate.	Budget estimate.	
1	2	3	4	5	6	7	8	9
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
On account of Provincialization of Dhaka Canal	.....	.....	12,000	12,000	12,000	12,000	12,000	
For transfer of a portion of the cost of the Calcutta Collectorate from the divided head of Excise to the wholly Provincial head of Law Revenue ...	...	.....	.. .	.....	.....	4,000	4,000	
For net charges of Inland Labour Transport in Bengal payable from the Revenues of Eastern Bengal and Assam...	.....	...	.....	.....	10,000	13,000	13,000	
For increased remuneration to the Solicitor to Government ...	.....	.....	. ...	36,000	36,000	36,000	36,000	
To meet extra expenditure on account of supplies by the Central Press, Calcutta, to the Provincial Presses ...	.....	.....	.....	2,000	2,000	2,000	2,000	
For transfer of the control of Government gardens in and near Calcutta to the Superintendent, Royal Botanic Gardens	.....	.....	.....	10,500	11,000	11,000	11,000	
Assignment from the Eastern Bengal and Assam Government for fee to Sanitary Board, Bengal, for preparation of water-work scheme of Barisal Municipality ...	.....	.....	... ..	.....	.....	4,000	.....	
For grant to the Bibliothica Indica Fund of the Asiatic Society ...	.....	.....	.....	3,000	3,000	3,000	3,000	
On account of the remission of Banking fees charged to Local Funds for their transactions with Government treasuries...	.....	.....	.....	70,000	70,000	70,000	70,000	
For relieving the Municipalities of Police charges								

Expenditure on cemeteries ...	.....	.....	.....	.....	.....	.....	.....
On account of the remission of Audit fees hitherto charged to local bodies	.. ...	.. ...	.....	66,000	66,000	66,000	66,000
Assignment for the development of the Sanitation Department	.....	.....	.....	... .	4,50,000	4,50,000	4,50,000
Audit of Calcutta Municipal Accounts	.....	.....	.....	.....	.....	.....	11,000
Improvement of Dalhousie Square	.....	1,38,237	.	.. ...	.....	. ...	... ..
Deduct Contribution from Provincial to Imperial.							
Contribution for the transfer of the Stamp and Stationery Office from Provincial administration ..	1,26,000	1,68,000	.....	.....	. ...	.... .	.....
Redistribution of charges under Assignments and Compensations	.....	1,16,000	.. ...	.....	... ..	... .	.
Contribution from Provincial in connection with the transfer of the maintenance of the Siliguri-Tista Bridge Road to the Military Department ..	50,000	.....	. ...	.....	.....	.....	.....
Adjustment of the cost of Mr. N. G. Mukherjee's deputation to the Central Provinces to enquire into the tusser silk industry	2,286	.. ...	.....	... ..	.....	.....	.....
Contribution towards Rajkumar College	2,000	2,000	....	...	..	...	.....
Transfer of the balance of the District Pâk Funds to Imperial	.....	... .	2,17,780	...	. .	.....	.....
On account of the abolition of Superannuation Fund ..	.. ..	.....	21,000	21,000	21,000	21,000	21,000
For savings under Interest—Capital outlay on Irrigation works ...	.....	.. ..	3,45,000	3,45,000	3,45,000	3,45,000	3,46,000
For excess of receipts over charges for the office of the Agent, Government Consignments Calcutta, provincialized ..	.....	.....	... ..	..	...	.. ...	15,000
Net sum to be transferred from Imperial	49,48,794	95,62,964	12,14,548	21,01,634	31,21,000	49,23,000	32,73,000

IV.—Stamps—

HEADS.	1904-05.	1905-06.	1906-07.	1907-08.	1908-09.		1909-10.	REMARKS.
	Actuals.	Actuals.	Actuals.	Actuals.	Budget estimate.	Revised estimate.	Budget estimate.	
1	2	3	4	5	6	7	8	9
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Sale of general stamps ...	35,97,882	38,42,429	42,94,584	46,14,354	47,91,500	47,20,000	48,60,000	Revised based on ten months' actuals. Budget allows for full normal growth.
Do. of Court-fee stamps ..	95,00,000	1,01,70,891	1,00,20,448	1,04,40,227	1,10,50,000	1,05,70,000	1,11,00,000	
Do. of plain-paper to be used with Court-fee stamps ...	1,78,000	1,84,171	1,93,781	1,93,283	2,00,000	1,91,000	1,94,000	
Duty on impressing documents	1,80,000	1,61,442	1,71,939	3,08,724	1,72,000	1,78,000	1,70,000	
Fines and penalties ...	18,000	20,602	20,052	21,689	20,000	28,000	25,000	
Miscellaneous	30,000	761	5,859	3,988	17,000	13,000	51,000	
Total ...	1,35,03,882	1,43,20,246	1,47,06,698	1,55,88,275	1,62,50,500	1,57,00,000	1,66,00,000	
Provincial share ...	67,51,941	71,60,123	73,53,349	77,94,138	81,25,000	78,50,000	82,50,000	

V.—Excise—

License and distillery fees for the sale of liquors and drugs—								
Foreign liquors ...	2,52,832	2,86,901	2,90,985	2,70,106	3,30,000	2,80,000	3,00,000	
Indian-made liquors excised at tariff rates ...	8,12,222	7,88,548	7,73,193	9,03,682	8,50,000	7,90,000	8,50,000	
Country spirits—								
License fees—								
Distillery	12,86,958	79,92,694	16,76,693	92,98,836	95,64,000	93,38,000	98,37,000	Reduction in the revised is owing to the apprehended unfavourable result of the settlements in the closing months of the year. Budget allows for full normal growth.
Outstills	36,00,759		39,92,236					
Still-head duty ..	23,42,816		29,31,923					
Miscellaneous	1,03,907		86,465					
Toddy revenue	10,69,499	11,10,702	11,35,078	11,82,292	11,85,000	11,90,000	12,00,000	
Opium and its preparation ...	5,55,462	5,88,298	6,20,681	6,25,483	6,80,000	6,50,000	6,80,000	
Other drugs, ganja, bhang, etc.	12,08,243	12,77,820	13,40,024	13,16,544	13,60,000	13,62,000	13,70,000	
Total ...	1,12,32,698	1,20,43,463	1,28,56,678	1,35,96,943	1,39,69,000	1,36,60,000	1,42,87,000	
Gain on sale-proceeds of Excise opium	15,28,741	16,26,543	17,31,399	19,96,606	20,00,000	20,80,000	21,20,000	
Duty on ganja	12,90,095	15,70,539	14,71,197	14,60,889	15,15,000	15,50,000	15,20,000	
Fines, confiscations and miscellaneous	17,632	17,752	23,118	23,261	26,000	20,000	23,000	
Grand Total ...	1,40,69,166	1,52,58,297	1,60,81,392	1,70,77,699	1,75,40,000	1,73,10,000	1,79,00,000	

Public Works Cess ...	35,20,337	35,34,948	34,91,470	36,18,453	36,16,000	36,93,000	36,53,000	Budget provides for larger receipts on account of revaluations.
General rates for the management of private estates ...	1,23,655	1,13,394	1,26,776	1,59,985	1,57,000	1,57,000	1,63,000	Increase due to inclusion of new estates under management.
Total ...	36,43,992	36,48,342	36,18,246	37,78,438	37,73,000	37,50,000	38,16,000	

VIII.—Assessed Taxes—

Deductions by Government from salaries and pensions, etc. ...	3,96,353	4,06,743	4,20,982	4,27,142	4,30,000	4,40,000	4,45,000	
Deductions by Government from interest on Government securities	10,692	12,555	21,801	23,830	23,000	25,000	25,000	
Deductions from salaries, etc., paid by local authority or company	54,057	55,239	58,387	58,699	58,000	60,000	60,000	
Deductions from profits of Railway companies ...	3,452	.....	.....	.....	.....	.....	.....	
Income-tax on securities of local authority or company ...	93,716	98,568	1,02,747	1,11,088	1,03,000	1,15,000	1,15,000	
Ordinary collections ..	37,79,605	40,49,565	42,44,128	45,55,107	48,93,000	48,69,000	51,34,000	
Penalties	9,481	12,133	11,114	11,786	11,000	12,000	12,000	
Miscellaneous	74,95	8,312	8,103	9,376	8,000	9,000	9,000	
Total ...	43,53,880	46,43,416	48,67,263	51,97,028	52,25,000	55,30,000	58,00,000	Revised based on ten months' actuals.
Provincial share ..	10,88,470	11,60,853	24,33,631	25,98,514	26,13,000	27,65,000	29,00,000	

IX.—Forests—

Timber and other produce removed from the forests by Government agency ...	1,35,439	79,723	46,155	50,628	23,600	31,000	17,000	The increase in the revised is due to larger sale of *sal* sleepers at Siliguri depôt in Kurseong Division.
Timber and other produce removed from the forests by consumers or purchasers ...	7,17,616	8,60,419	9,82,885	11,01,552	11,56,200	11,63,000	12,42,000	Increase expected from the recovery of timber trade in Singhbhum and Sundarbans Divisions.
Confiscated drift and waif wood	1,928	6,629	4,065	5,506	4,100	4,000	3,800	
Miscellaneous	36,523	47,065	32,734	39,964	36,100	42,000	37,200	The increase in the revised is due to the sale of the steam-launch *Seal* of the Sundarbans Division.
Total ...	8,90,906	9,92,836	10,65,859	11,97,650	12,20,000	12,40,000	13,00,000	
Provincial share ...	2,20,226	2,46,209	5,32,929	5,98,825	6,10,000	6,20,000	6,50,000	

HEADS.	1904-05.	1905-06.	1906-07.	1907-08.	1908-09.		1909-10	REMARKS.
	Actuals.	Actuals.	Actuals.	Actuals.	Budget estimate.	Revised estimate.	Budget estimate.	
1	2	3	4	5	6	7	8	9
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Fees for registering documents...	9,43,940	10,04,516	11,37,637	12,47,672	13,18,000	13,24,000	14,50,000	
Fees for copies of registered documents	26 310	27,548	32,665	37,703	40,000	36,000	38,000	
Miscellaneous ...	48,011	50,184	55,790	61,181	62,000	60,000	62,000	
Total ...	10,18,261	10,82,248	12,25,432	13,46,556	14,20,000	14,20,000	15,50,000	Budget provides for normal increase.
XII.—Interest—								
Class I.—Interest on advances to cultivators—								
On advances to cultivators under Land Improvement Loans Act ...	15,814	23,307	25,138	1,06,552	2,77,000	2,22,000	5,60,000	Increase due to increased advances on account of scarcity.
On advances to cultivators under Agriculturists' Loans Act, XXII of 1884	19,510	22,641	27,094					
On loans to Co-operative Credit Societies ..	...	50	76		400	215	669	
Class II.—Interest on advances under Special Laws—								
On drainage and embankment advances ...	36,732	8,191	—13,304	33,015	33,000	28,000	28,000	
Class III.—Interest on loans to land-holders, etc. ...	1,689	6,813	10,841	7,464	17,600	68,000	2,64,000	Budget includes Rs. 2,50,000 for interest payable on the loan of 50 lakhs granted to Maharaja Sir Prodyot Kumar Tagore, while the revised includes Rs. 50,000 on the same account.
Class IV.—Interest on loans to Municipal and other public Corporations (excluding Presidency Corporations) ...	1,39,126	1,41,779	1,52,612	1,61,766	1,89,000	1,75,000	1,92,000	Revised based on the outstanding arrear balance, excluding the advances on account of the Magra Hât Drainage scheme. Budget based on the amount of interest due next year on the existing loans and on the probable amount of advances estimated to be made in that year, excluding the advances on account of Magra Hât Drainage.
Interest on Government securities	6,421	9,714	7,046	7,094	7,000	7,000	7,000	
Miscellaneous—								
Interest on arrears of Public Works Cess	37,566	33,766	33,493	31,864	36,000	30,000	32,500	
Capital cost of His Honour the Lieutenant-Governor's house	143	.....	.....	.....	.....	.....	.....	
Other items	3,087	4,551	17,720	1,264	6,000	3,000	4,000	The actuals of 1906-07 included interest on debentures of the Calcutta Police Superannuation Fund which were sold off in 1907-08.
Interest on zamindari embankment recoveries, etc. ...	2,632	2,574	1,320	981	2,000	1,000	1,500	
Total Miscellaneous ...	43,428	40,891	52,533	34,109	44,000	34,000	38,000	
Deduct for rounding ..	...	...	...	...	...	—716	+431	

Sale-proceeds of unclaimed and escheated property ...	22,253	24,408	28,611	25,046	25,000	75,000	25,000	The increase in the revised is due to special receipts in the district of Bhagalpur.
Court-fees realised in cash ..	24,328	19,528	18,359	21,710	20,000	24,000	22,000	
General Fees, Fines and Forfeitures	1,76,552	1,77,279	4,86,840	4,86,502	5,08,000	4,96,000	5,07,000	
Pleadership Examination Fees...	23,266	23,609	25,504	26,492	27,000	28,000	27,000	} Estimates based on actuals.
Miscellaneous Fees and Fines ...	1,008	1,396	2,297	2,285	2,000	1,000	2,000	
Miscellaneous	15,082	15,099	11,896	17,490	15,000	13,000	17,000	
Total ..	6,61,378	5,31,310	5,73,507	5,79,615	5,97,000	6,37,000	6,00,000	Revised based on the actuals of first ten months.

XVIB.—Jails—

Jails	19,680	21,363	14,037	16,287	15,000	17,000	16,000	
Jail Manufactures ...	12,11,437	11,98,266	11,93,515	11,42,380	12,35,000	11,20,000	11,52,000	
Total ...	12,31,117	12,19,629	12,07,552	11,58,667	12,50,000	11,37,000	11,68,000	Revised based on the actuals of first ten months.

XVII.—Police—

Police supplied to Municipal and Town Funds ...	10,258	2,000	.....	... ..	.....	.....	...	
Police supplied to Public Departments, Private Companies and persons	25,940	29,385	30,792	18,385	30,000	29,000	30,000	
Presidency Police ...	1,00,780	61,536	76,232	75,107	77,000	77,000	77,000	
Recoveries on account of Village Police	442	448	492	589	1,000	1,000	1,000	
Fees, Fines and Forfeitures ...	25,950	27,889	25,359	27,104	26,000	27,000	27,000	
Superannuation receipts ...	...	12	1	.....	... ..	... ...	.....	
Miscellaneous	4,640	6,136	6,089	19,899	6,000	10,000	10,000	The actuals of 1907-08 include sale-proceeds of Government Promissory Notes held in deposit on account of a building for the use of the Superintendent of Police, Chitpur.
Total ..	1,68,016	1,27,406	1,38,965	1,41,084	1,40,000	1,44,000	1,45,000	Revised based on the actuals of first ten months.

XVIII.—Ports and Pilotage—

HEADS.	1904-05.	1905-06.	1906-07.	1907-08.	1908-09.		1909-10.	REMARKS.
	Actuals.	Actuals.	Actuals.	Actuals.	Budget estimate	Revised estimate.	Budget estimate.	
1	2	3	4	5	6	7	8	9
	Rs.	Rs.	Rs	Rs.	Rs.	Rs.	Rs.	
Sale-proceeds of vessels and stores	.. ...	.....	.....	1,580	31,000	22,000	1,000	Revised includes the sale-proceeds of the pilot-vessel *Fame*.
Registration and other fees ...	76,171	73,376	73,362	70,848	73,900	74,000	72,900	
Pilotage receipts { Calcutta ...	13,38,990	13,41,016	13,73,590	13,33,777	13,99,000	13,83,000	13,70,000	
Pilotage receipts { Balasore ...	55	.....	.....	.....	100	.....	100	
Lead-money for Volunteers ...	15,170	21,771	16,697	15,375	18,000	16,000	16,000	
Miscellaneous—								
Deductions for mess-money ...	12,955	13,591	12,987	12,595	14,000	13,000	13,000	
Marine Survey ...	24,119	36,763	44,545	39,674	45,000	38,400	40,000	
Overtime fees ...	6,896	7,856	8,192	8,176	8,500	8,400	8,400	
Miscellaneous receipts of the Shipping Office ...	5,848	6,227	5,926	4,725	6,000	4,600	5,000	
Other items	5,670	5,029	3,537	3,888	4,500	5,500	4,500	
Fees for certificates of inland vessels under Act VI of 1884	10,779	50	472	70	.....	100	100	
Total Miscellaneous ...	66,267	63,516	75,659	69,128	78,000	70,000	71,000	
GRAND TOTAL ...	14,96,663	15,04,678	15,39,308	14,90,708	16,00,000	15,65,000	15,31,000	Revised based on the actuals of the first ten months.

Fees, Government Colleges—							
General	1,81,945	1,79,984	1,77,418	1,90,152	1,80,000	1,66,000	1,85,000
Professional	46,863	46,496	47,162	50,230	48,000	32,000	20,000
Fees, Government Schools—							
General	2,61,324	2,53,898	2,58,023	2,62,832	2,59,000	2,70,000	2,59,000
Special	8,818	10,355	12,963	12,239	13,000	19,000	17,000
Contributions from Native States, private persons and Municipalities	14,963	11,868	10,978	8,864	11,000	12,000	11,200
Income from endowments ...	1,018	.....	.....	.....	.....	.....	.....
Miscellaneous	63,716	78,281	53,825	41,273	62,000	2,01,000	2,82,800
Total ...	5,78,646	5,80,881	5,60,354	5,65,590	5,73,000	7,00,000	7,75,000

Revised includes refunds of Rs. 1,27,000 made by District Boards of unappropriated grants made for construction of Primary School buildings. Budget includes 2 lakhs on the same account.

XX.—Medical—

Medical School and College fees	53,657	47,723	51,294	50,601	54,000	63,000	53,000
Hospital receipts (receipts from paying patients) ...	1,10,029	1,12,985	1,11,387	1,16,101	1,17,000	1,40,000	1,60,000
Lunatic Asylum receipts ...	20,718	25,486	17,683	18,080	20,000	18,000	19,000
Contributions (from Municipalities and private persons) ..	48,584	2,47,903	47,729	48,914	48,000	50,000	48,000
Medicines sold to Civil Surgeons	.....	6	29	14	.....	.....	.....
Miscellaneous	13,399	20,062	15,080	6,244	15,000	11,000	10,000
Total ...	2,46,387	4,54,165	2,43,356	2,38,934	2,54,000	2,82,000	2,90,000

Increase expected on the opening of the paying-patients' ward for Indians in the Medical College Hospital, and from the Woodburn Ward, Presidency General Hospital.

Revised is based on the actuals of 12 months ending 31st January 1909.

XXI.—Scientific and other Minor Departments—

Botanical and other public garden receipts	2,733	2,106	2,075	1,812	3,000	2,000	2,000
Veterinary and stallion receipts	24,143	26,768	28,317	33,339	32,000	37,000	35,000
Cinchona plantation	2,24,298	2,12,949	2,05,978	2,05,267	2,20,000	2,03,000	2,22,000
Receipts on account of experimental cultivation ...	737	1,457	2,206	2,817	16,000	18,000	31,000
Public exhibition and fairs ..	.....	.....	.....	280	.....	.....	.....
Emigration fees	21,618	27,968	41,684	25,336	30,000	29,000	30,000
nland Labour fees ...	.....	.....	.....	.....	10,000	10,000	10,000
Examination fees	923	719	1,956	770	1,000	3,000	1,000
Miscellaneous	2	1	103	1	.....	.....	.....
Total. ...	2,74,454	2,71,968	2,82,319	2,76,622	3,12,000	3,11,000	3,31,000

Estimate of the Superintendent, Royal Botanic Garden adopted.

Increase for the opening of a new farm at Chinsura.

XXII.—Receipts in aid of Superannuation—

Heads.	1904-05.	1905-06.	1906-07.	1907-08	1908-09.		1909-10.	Remarks.
	Actuals.	Actuals.	Actuals.	Actuals.	Budget estimate.	Revised estimate.	Budget estimate.	
1	2	3	4	5	6	7	8	9
	Rs	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Family subscriptions of Native members of the Covenanted Civil Service	1,618	1,290	1,622	1,608	2,000	2,000	2,000	
Contributions for pensions and gratuities—								
Contributions of officers lent to Foreign service of the first and second kinds ...	35,216	34,216	38,826		38,000	35,000	36,000	
Contributions of persons employed in the establishment for the management of private estates under Act X of 1892 ...	10,988	7,754	7,932		2,000	3,000	3,000	
Contribution of Assistant Surgeons, etc., lent to Municipalities	.....	—2,220	.. ..	49,928	.....	.....	.....	
Annuity deductions of Covenanted Civilians lent to Native States, etc., for short terms	.....	980	1,680		.....	3,000	2,400	
Refund of Gratuities ...	333	189	40		.....	.....	.....	
Deductions for Marine Pension Fund	11,675	12,114	12,563	11,751	12,000	12,000	12,000	
Miscellaneous	.....	31,706	66	3,62,977	.....	.....	.....	The actuals of 1907-08 represent sale-proceeds of the Calcutta Municipal Debentures belonging to the Police Superannuation Fund.
							55,409	
Deduct—For rounding ...	.....	...	... ..	.....	.....	.....	400	
Total ...	59,730	86,029	62,729	4,15,664	54,000	55,000	55,000	

XXIII.—Stationery and Printing—

Stationery receipts	807	518	2,243	2,249	2,000	2,000	2,000	
Sales of Gazettes and other publications	94,458	94,119	1,00,624	93,561	1,01,930	1,07,000	95,950	
Other Press receipts ...	36,569	28,591	32,063	36,953	33,070	36,000	35,050	

XXV.—Miscellaneous—

Unclaimed deposits... ...	3,95,044	3,06,363	4,36,182	4,06,717	4,00,000	3,86,000	4,00,000	Revised based on the amount likely to lapse to Government at the close of the year. Budget based on past actuals.
Treasure-trove	118	141	4	1,018	.	.....		
Sale-proceeds of Durbar presents	2,598	1,074	2,190	15,619	3,000	7,000	3,000	Revised based on the actuals of ten months.
Sale of old stores and materials	6,128	1,853	1,278	3,013	2,000	3,000	2,000	
Sale of lands and houses, etc. ...	—2,589	218	6,987	1,919	..	2,000	.	
Fees for Government audits ...	44,657	48,734	49,994	15,759	15,000	21,000	21,000	Decrease since 1907-08 due to abolition of fees for audit of Municipal and other Excluded Local Funds accounts. Revised and budget based on actual demands.
Rents	18,465	18,903	17,066	22,421	20,000	19,000	20,000	
Miscellaneous fees, fines and forfeitures	4,882	2,739	3,155	2,570	3,600	3,000	3,000	
Contributions	33,952	26,870	27,191	.....	. .	...	.....	Levy of banking fees abolished since 1907-08.
Miscellaneous—								
Fees and fines of Revenue Courts	56,596	56,382	60,196		60,000		66,000	
Recoveries of Law charges other than those in pauper suits	25,875	14,123	16,074		16,000		21,000	
Value of mathematical stores returned	243	1,341	.		.....			
Sundry receipts—Circuit-house	518	182	796		500		500	
Miscellaneous receipts on account of Public Works Cess under Act IX (B.C.) of 1880	33	14	1,643		1,000		1,000	
Miscellaneous receipts on account of Government management of Wards' estates	...	15	404		. ..		.....	
Sale-proceeds of trees on tea-lands	.....	748	206		. ..		... ..	
Sale of fish		. ...	... .		.		15,000	A new item anticipated by the Commissioner of Fisheries.
Sale of elephants ...	. ...	39	12,900		..		11,000	The receipts in 1908-09 have been taken as a set off against expenditure
Other items ...	19,164	25,943	13,966		19,000		19,500	
Total Miscellaneous ...	1,02,429	97,787	1,06,183	1,17,521	96,500	94,000	1,34,000	Revised based on the actuals of first ten months.
GRAND TOTAL ...	5,96,584	5,04,662	6,50,180	5,86,465	5,40,000	5,36,000	5,83,000	

XIX.—Major Works—(Direct Receipts)—

Heads.	1904-05.	1905-06.	1906-07.	1907-08.	1908-09.		1909-10.	Remarks.
	Actuals.	Actuals.	Actuals.	Actuals.	Budget estimate.	Revised estimate.	Budget estimate.	
1	2	3	4	5	6	7	8	9
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Orissa Canals	3,88,900	4,61,365	5,01,729	4,87,689	5,10,000	5,15,000	5,10,000	
Midnapore Canal	2,06,215	2,10,623	1,56,521	1,53,330	1,68,000	1,68,000	1,70,000	
Hijili Tidal Canal	45,242	70,448	71,615	58,703	66 000	62,000	62,000	
Sone Canals	14,05,810	13,96,628	15,64,819	16,63,360	16,63,000	18,43,000	16,75,000	The increase in the revised is due to more extended *rabi* irrigation.
Dhaka Canal	...	... ...	2,944	17.868	11,000	22,000	19,000	The increase in the revised is due to the development of irrigation.
Total ...	20,46,167	21,39,054	22,97,528	23,80,950	24,18.000	26,00,000	24,36,000	

XXX.—Minor Works and Navigation—

In charge of the Civil Department.								
Recoveries on account of lands benefited by embankments ...	1,28,316	1,19,391	1,14,382	1,07,147	1,07,000	1,04,000	1,07,000	Budget based on actual demand.
Recoveries on account of capitalized maintenance charges of the Rajapur drainage	14,517	2,769	4,306	.....	.....	.....	.....	
Total in charge of the Civil Department	1,42,833	1,22,160	1,18,688	1,07,147	1,07,000	1,04,000	1,07,000	
In charge of the Public Works Department. (Irrigation and Navigation Works.)								
Works for which Capital and Revenue accounts are kept—								
Orissa Coast Canal ...	32,239	30,600	37,738	25,049	27,000	18,000	27,000	
Saran Canals	685	777	797	717	700	1,000	800	
Calcutta and Eastern Canals Madaripur Bhil scheme	5,28,136	4,83,745	5,03,968	5,23,510	5,00,000	4,11,000	4,50,000	

Works for which only Revenue accounts are kept—										
Nadia Rivers ...	88,412	1,03,684	45,615	36,235	40,200		26,000	40,000		
Gaighata and Buxi Khal ...	6,700	4,500	3,000	2,500	3,000		4,500	4,500		
Total ...	95,112	1,07,184	48,615	37,736	43,200		29,500	44,500		
Works for which neither Capital nor Revenue accounts are kept—										
Eden Canal ...	24,838	23,164	29,131	18,968	20,500		17,500	20,500		
Teur ,, ...	276	320	1,585	6,823	3,500		6,000	6,200		
Sugarcane irrigation in Bihar ...	.....	.....	2,000	.....	.....		.....	.....		
Damodar project ...	.....	1,300	.....	.....	.....		.....	.....		
Total	24,814	23,684	32,766	24,791	24,100		23,500	26,700		
Total Irrigation and Navigation Works ...	6,81,086	6,43,900	6,23,784	6,11,792	6,96,000		6,18,000	6,99,000		
(Agricultural Works)										
Works for which only Revenue accounts are kept—										
Magra Hat Drainage Project..	.....	...	93	932	.....		...	.....		
Works for which neither Capital nor Revenue accounts are kept—										
Government embankments	18,619	17,439	31,917	13,791	11,000		11,000	13,000		
Taluqdari embankments under contract	4,449	4,436	4,706	26,331	16,000		21,000	22,000		
Total Agricultural Works..	23,068	21,875	36,715	41,090	27,000		32,000	34,000		
Total in charge of the Public Works Department ..	7,01,154	6,67,845	6,60,499	6,52,882	6,23,000		6,50,000	6,33,000		
GRAND TOTAL ..	8,43,987	7,90,605	7,74,187	7,59,999	7,29,000		6,54,000	7,40,000		

XXXII.—Civil Works—

HEADS.	1904-05.	1905-06	1906-07.	1907-08.	1908-09.		1909-10.	REMARKS.
	Actuals.	Actuals.	Actuals.	Actuals.	Budget estimate.	Revised estimate.	Budget estimate.	
1	2	3	4	5	6	7	8	9
IN CHARGE OF THE CIVIL DEPARTMENT.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Tolls on ferries	1,75,312	1,80,903	1,72,842	1,67,800	1,76,000	1,74,000	1,70,000	
Cemetery receipts	1,360	2,054	1,935	1,421	2,000	2,000	2,000	
Receipts from staging bungalows and encamping grounds ...	7,115	8,633	6,457	7,651	7,000	8,000	8,000	
Miscellaneous	.....	300	.....	.....	.....	.....	.....	
Total in charge of the Civil Department	1,83,777	1,91,890	1,81,234	1,76,872	1,85,000	1,84,000	1,80,000	
IN CHARGE OF THE PUBLIC WORKS DEPARTMENT.								
Total gross receipts ...	3,89,393	2,25,868	3,19,625	3,41,459	3,00,000	3,55,000	3,55,000	
GRAND TOTAL ...	5,73,170	4,17,758	5,00,859	5,18,331	4,85,000	5,39,000	5,35,000	

Contributions—

Contribution from Incorporated Local Funds	47,000	43,520	4,98,937	55,349	.....	.....	.....	

Bengal Provincial Expenditure, in detail by minor heads.

[Figures in columns (7) and (8) are those accepted by the Government of India.]

The remarks in column 9, except where otherwise specially explained, refer to difference between columns 6 and 8.

1.—Refunds and Drawbacks—

Heads.	1904-05.	1905-06.	1906-07.	1907-08	1908-09.		1909-10.	Remarks.
	Actuals.	Actuals	Actuals.	Actuals	Budget estimate	Revised estimate.	Budget estimate.	
1	2	3	4	5	6	7	8	9
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs	Rs.	
Land Revenue	8,747	10,303	17,566	28,397	20,000	20,000	23,000	
Stamps	65,163	76,502	72,478	75,909	75,000	81,000	77,000	
Excise	7,650	13,234	6,016	19,135	10,000	11,000	10,000	
Assessed Taxes	6,924	4,039	9,013	10,461	10,000	8,000	10,000	
Forest	257	292	722	1,021	1,000	1,000	1,000	
Provincial Rates	8,187	6,690	9,433	12,556	8,000	8,000	10,000	
Registration	2,166	2,490	2,853	3,717	3,000	3,000	3,000	
Total ..	99,093	1,13,549	1,16,578	1 51 195	1,27,000	1,32,000	1,34,000	Revised based on the actuals of the first ten months.

2.—Assignments and Compensations—

Pension in lieu of resumed lands	.....	270	1,411	1,466	2,500	1,000	2,000	
Malikana	1,14,864	38,522	67,568	61,354	67,500	68,000	68,000	
Excise Compensation ...	.....	.....	345	200	150	...	400	Budget includes compensation payable to the Maharaja of Morbhanj
For rounding ...	...	.....	... ..	... ..	—150	.. ...	—400	
Total ..	1,14,864	38,792	69,324	63,019	70,000	67,000	70,000	Revised based on the actuals of the first ten months.

Heads.	1904-05. Actuals.	1905-06. Actuals.	1906-07. Actuals.	1907-08. Actuals.	1908-09. Budget estimate.	1908-09. Revised estimate.	1909-10. Budget estimate.	Remarks.
1	2	3	4	5	6	7	8	9
	Rs.	Rs.	Rs.	Rs	Rs.	Rs.	Rs.	
Charges of District Administration—								
General Establishment ..	20,43,740	20,89,860	22,21,444	23,76,163	25,40,000	24,67,000	25,23,000	Increase in budget for 1908-09 is due to increased provision for increase in cadre of Deputy Collectors and Sub-Deputy Collectors. Budget 1909-10 includes Rs. 50,000 for additional Deputy Collectors for Settlement duty, of which a moiety is included under this head and a moiety under "Courts of Law."
Subdivisional Establishment	92,066	95,980	1,08,252	1,13,627	1,13,500	1,17,000	1,16,000	
Partition Establishment ...	—23,444	—2,524	27,024	—31,478	—2,000	—47,000	—2,000	
Process-serving Establishment	1,26,313	1,25,436	1,49,341	1,51,671	1,55,000	1,53,000	1,59,000	
Record-room (or copy-making) Establishment ...	11,614	34,934	46,180	37,438	35,000	39,000	39,000	
Survey of Waste Lands ...	—33,996	10,053	2,657	149	.....	.....	6,000	
Management of Private Estates under Act X of 1892	23,664	22,619	25,528	29,605	35,500	33,000	39,000	Increase due to establishments for new estates coming under Government management.
Lump provision for increase of pay of Ministerial Establishment	.....	.....	.....	.. ..	1,40,000	.....	1,40,000	
	.....	.....	.....	.....	30,17,000	.....	30,20,000	
Deduct—Probable savings	.....	... .	.....	.....	50,000	.....	20,000	
Total ...	22,39,957	23,76,368	25,80,326	26,77,175	29,67,000	27,62,000	30,00,000	
Charges on account of Land Revenue Collections ...	1,107	1,152	1,432	1,542	1,500	1,000	4,000	
Management of Government Estates—								
Collection of Revenue ...	2,41,870	2,04,468	2,29,981	2,62,610	2,28,000		2,51,000	
Outlay on improvements ...	1,64,586	2,71,616	2,27,480	2,76,922	1,09,000		74,000	Decrease in 1908-09 and 1909-10 due to smaller provision for Fraserganj reclamation work.
Grants to District Road Fund, Sonthal Parganas, for improvements in Government Estates ...	.....	.....	.....	.....	31,000		32,000	Provision made under this head, owing to abolition of the adjusting head "Contribution"

3.—Land Revenue—concluded.

Survey and Settlement—								
Controlling Office (survey) ...	11,118	7,350	6,628	5,772	.....		...	
Other survey operations—								
Bengal Drawing Office ...	78,240	58,840	63,975	26,425	46,911		35,464	
Other operations ...	1,02,810	44,378	72,121	17,283	63,798		79,430	
Minor settlement operations	79,595	65,831	1,16,571	1,03,719	90,000		90,000	
Other ditto ...	70 543	1.20.331	1,43,772	75,750	1,03,847		1,06,736	
Refund to Imperial on account of survey and settlement of Government and temporary estates ...	.....	..	...	.....	6,000		6,000	
					2,40,656		2,57,620	
For rounding ...					—56		+380	
Total ...	3,42,406	2,91,430	4,03,067	2,28,948	2,40,500	2,37,000	2,58,000	Estimate based on actual requirements.
Land Records—								
Superintendence ...	56,006	63,360	36,872	36,918	28,000	30,000	26,000	
District charges ...	24,904	19,604	47,743	2,34,207	2,52,000	2,90,000	4,15,000	Increase in 1908-09 and 1909-10 due to increased provision for bringing Survey and Settlement records up to date.
Total ..	80,910	82,964	84,615	2,71,125	2,80,000	3,20,000	4,41,000	
					38,57,000		40 99,000	
Lump deduction as probable savings					72,000		60 000	
GRAND TOTAL ...	30,70,836	32,27,988	36,26,901	37,18,322	37,85,000	37,90,000	40,00,000	Revised based on the actuals of the first ten months.

6.—*Stamps*—

Heads.	1904-05.	1905-06.	1906-07.	1907-08.	1908-09.		1909-10.	Remarks.
	Actuals.	Actuals.	Actuals.	Actuals.	Budget estimate.	Revised estimate.	Budget estimate.	
1	2	3	4	5	6	7	8	9
Superintendence—	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Presidency Executive Establishment	19,393	.....	.....	.....	.....	.....	.....	
District Establishment ...	6,489	7,084	10,473	9,101	9,000	25,000	30,000	A portion of the establishment of the Calcutta Collectorate previously debited to Excise is now shown under this head. Budget includes Rs. 4,000 for the purchase of a stamping machine for the Calcutta Collectorate.
Total ...	25,882	7,084	10,473	9,101	9,000	25,000	30,000	
Charges for the sale of general stamps—								
Discount on sale of one anna stamps	24,380	13,727	.....	.....	.....	.....	.....	} No discount is now allowed.
Discount on sale of unified stamps	.....	2,826	216	.....	.....	.....	.....	
Discount on sale of bills-of-exchange or hundies ...	5,433	4,507	5,162	5,360	5,000	5,000	5,000	
Discount on sale of other general stamps ...	81,978	90,629	1,12,734	1,15,116	1,21,000	1,18,000	1,21,000	
Total ...	1,11,791	1,11,688	1,18,112	1,20,466	1,26,000	1,23,000	1,26,000	
Charges on sale of Court-fee stamps—								
Discount on sale of adhesive stamps	62,341	66,474	66,879	67,855	72,000	70,000	76,000	Increase in view of the increase in receipts.
Discount on sale of stamps for copies	5,424	6,132	7,123	6,211	7,000	6,000	6,000	
Establishment for sale of stamps	1,226	1,288	1,611	2,662	1,464	1,000	1,464	
For rounding ...					—464		—464	
Total ...	68,991	73,894	75,613	76,728	80,000	77,000	82,000	
Discount on plain paper ...	11,083	11,441	11,832	11,829	12,000	12,000	12,000	
Stamp paper supplied from Central Stores	2,02,797	2,34,438	1,91,990	1,91,830	2,56,000	2,43,000	2,55,000	The estimates furnished by the Controller of Printing, Stationery and Stamps have been adopted.
Grand Total ...	4,20,544	4,38,545	4,08,020	4,09,954	4,83,000	4,80,000	5,05,000	

7.—Excise—

Superintendence ...	83,197	73,032	85,184	83,823	89,000	89,000	90,000	
Presidency Establishment—								
Calcutta Collectorate (office)	61,685	61,947	68,118	61,188	61,812	42,000	40,968	Decrease in budget is due to a portion of the Calcutta Collectorate establishment being now debited to "Land Revenue" and "Stamps," instead of wholly to "Excise."
Inspection and Prevention ..	16,802	23,880	22,782	25,280	23,112	23,000	20,718	
Allowances and Contingencies	28,103	23,929	21,145	22,283	29,944	23,000	26,872	Decrease in revised is for savings under "Rewards." Budget also provides smaller grant for the same.
					1,14,585		87,552	
For rounding ..					+132		—552	
Total ..	1,06,590	1,12,715	1,07,045	1,08,731	1,15,000	88,000	87,000	
District Executive Establishment—								
Sadar Establishment ..	1,04,699	1,07,269	1,10,267	1,10,466	1,66,865	1,12,000	1,37,580	The decrease in the revised is for non-utilization of the lump grant of Rs. 50,000 for revision of establishment. Budget includes Rs. 25,000 for the purpose.
Inspection and Prevention	1,77,460	1,79,203	1,90,302	1,93,235	2,09,820	2,08,000	2,31,592	Budget includes provision for temporary establishment in connexion with the extension of the Contract Distillery System in different districts.
Allowances	1,00,179	1,05,191	1,22,891	1,42,246	1,41,500	1,52,000	1,58,673	Larger provision has been made for travelling allowance, as first class rates have been sanctioned for Special Deputy Collectors and for larger grant for grain allowance.
					5,08,185		5,27,845	
Probable savings ...					—36,185		28,845	
	3,82,628	3,91,763	4,23,460	4,46,947	4,72,000	4,67,000	4,99,000	
Distilleries—								
Presidency Establishment	8,623	9,126	10,650	11,560	12,000	12,500	14,040	
District Establishment .	1,00,843	1,03,209	1,16,781	1,22,988	1,12,000	1,43,500	1,40,900	The increase in the revised is under "Supplies and Services." Budget includes Rs. 12,000 for increase of pay of ministerial officers, and Rs. 15,000 to meet the cost of urgent petty works in Distillery buildings.
Grand Total ...	6,91,881	6,89,745	7,43,120	7,74,049	8,00,000	8,00,000	8,30,000	
Provincial share	2,98,323	3,01,763	3,71,560	3,86,524	4,00,000	4,00,000	4,15,000	

8.—Provincial Rates—

HEADS.	1904-05	1905-06.	1906-07.	1907-08	1908-09.		1909-10.	REMARKS.
	Actuals.	Actuals.	Actuals.	Actuals.	Budget Estimate.	Revised Estimate.	Budget Estimate.	
1	2	3	4	5	6	7	8	9
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Collection of Rates and Cesses...	2,38,227	2,33,435	1,56,311	1,19,052	1,29,000	1,25,000	1,35,000	Budget includes provision for increase of pay of ministerial officers.
Valuation and Revaluation ...	67,744	73,546	91,136	80,323	54,000	44,000	36,000	Estimate based on actual requirements.
Total ...	3,05,971	3,06,981	2,47,447	1,99,375	1,83,000	1,69,000	1,71,000	
Deduct—Proportion debitable to Local for cost of road-cess collection ...	2,05,514	2,03,342	1,65,468	1,46,504	86,000	1,13,000	90,000	
„ —Proportion debitable to Local for revaluation					36,000		24,000	
„ —One-third share of recoveries on account of collection of arrear cesses	40,830	39,616	19,321	1,092	3,000	1,000	1,000	
„ —Contribution for pension of the cess-collecting establishment ...	6,297	7,055	6,874	6,497	7,000	7,000	7,000	
Add—Grant to District Road Funds as Government share of the cost of collecting Public Works cess and revaluation charges	.....	.. ...	.....	.....	1,000	1,000	1,000	
Total ...	53,330	56,968	55,784	45,282	52,000	49,000	50,000	

10.—Assessed Taxes—

Calcutta Establishment ...	69,432	79,381	86,907	85,060	89,000	90,000	93,000	Budget includes Rs. 3,000 for revision of establishment.
District ditto ...	59,246	64,522	63,329	68,011	68,000	70,000	71,000	Ditto „ 1,000 for raising the pay of assessors' clerks, and Rs. 2,000 for a temporary assessor and his establishment in Burdwan.
Total ...	1,28,678	1,43,903	1,50,230	1,53,061	1,57,000	1,60,000	1,64,000	
Provincial share ...	32,169	35,976	75,115	76,531	79,000	80,000	82,000	

11.—Forests—

A.—Conservancy and Works.							
I.—Timber and other produce removed from the forests by Government agency	47,856	47,398	28,589	16,672	10,500	10,000	7,700	
II.—Timber and other produce removed from the forests by consumers and purchasers	78,771	87,288	91,985	98,046	97,700	97,000	98,500	
III.—Confiscated, drift and waif wood	316	2,237	620	1,712	1,300	1,600	1,300	
V.—Rent of leased forests and payment to shareholders in forests managed by Government	...		27,020	5,300	...	.....	6,000	Budget represents provision for payment of the share of profits to the Raja of Purulia.
VI.—Live-stock, stores, tools and plant	9,108	4,212	14,529	26,079	40,500	41,300	9,300	No provision made for any new launches.
VII.—Communications and buildings	64,807	71,863	75,116	70,735	79,000	65,000	77,900	
VIII.—Demarcation, improvement and extension of forests	50,143	46,010	82,644	1,74,199	81,779	82,700	44,000	Variations are chiefly for expenditure on survey operations.
IX.—Miscellaneous	4,042	3,538	7,420	4,422	7,400	7,400	6,000	
Deduct—Probable savings					2,18,179 24,479			
Total A.—Conservancy and Works	2,50,043	2,59,836	3,27,939	3,05,895	2,94,000	3,05,000	2,51,000	
B.—Establishment.								
I.—Salaries	2,07,766	2,12,892	2,43,241	2,16,749	2,62,000	2,40,000	2,61,600	Provision made in budget for the full sanctioned scale. The decrease in the revised is due to change of officers and savings under establishment.
II.—Allowances	34,852	36,095	45,837	60,709	61,000	63,000	62,800	The increase is for larger payments of grain allowance.
III.—Contingencies	9,644	10,973	12,472	10,341	14,000	14,000	11,700	
Total B.—Establishment	2,52,262	2,59,960	3,01,550	3,17,799	3,37,000	3,17,000	3,36,000	
Total A and B	5,02,345	5,19,496	6,32,489	7,13,694	6,31,000	6,22,000	5,87,000	
Provincial share	1,25,586	1,29,102	3,16,244	3,56,697	3,15,000	3,11,000	2,93,000	

18.—Registration—

HEADS.	1904-05	1905-06.	1906-07.	1907-08.	1908-09		1909-10.	REMARKS.
	Actuals.	Actuals.	Actuals	Actuals.	Budget estimate.	Revised estimate.	Budget estimate.	
1	2	3	4	5	6	7	8	9
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs	
Superintendence	55,228	51,215	48,863	47,180	47,000	50,000	51,000	
District Charges—								
Calcutta	28,292	25,250	30,614	30,923	31,000	31,000	32,000	
District Sub-Registrars ...	1,49,643	1,51,299	1,60,305	2,50,937	1,80,000	2,15,500	1,83,000	The increase in the revised is under "Allowances and Contingencies," owing to debit of certain charges of Sub-Registrars to this head.
Sub-Registrars	3,57,088	3,79,207	4,01,003	4,21,580	5,40,500	5,32,500	5,56,000	Budget includes provision for larger number of Sub-Registrars and their establishment, and as well as larger temporary establishment in reference to probable requirements.
Ex-officio Sub-Registrars ...	1,910	1,269	1,872	1,233	1,500	3,000	2,000	
Total District charges ...	5,31,933	5,57,025	5,93,824	7,04,973	7,53,000	7,82,000	7,73,000	Increase since 1907-08 due to reorganization of the Department.
Lump deduction as probable savings					8,00,000 30,000			
TOTAL ..	5,87,161	6,08,240	6,42,687	7,52,153	7,70,000	8,32,000	8,24,000	Revised based on the actuals of first ten months.

13.—Interest on Ordinary Debt—

Interest on Provincial Advance and Loan Account ...	1,82,758	2,10,291	2,36,226	3,02,281	3,90,000	5,02,000	6,92,000	Based on the estimated mean outstanding balances of loans.

18.—General Administration—

Salary of Lieutenant-Governor	96,000	96,000	1,01,341	96,116	96,000	96,000	96,000	
Salary of officers belonging to other provinces last paid in Bengal ..	13,073	7,768	..	.....	.....	.. ..	.....	
Staff and household of Lieutenant-Governor	87,836	1,37,971	1,19,844	1,29,591	94,000	1,21,000	1,05,000	Increase in revised is due to the purchase of a motor-car for His Honour, the Lieutenant-Governor. Budget includes a larger grant for rent, rates and taxes owing to increase in assessments.
Expenditure from contract allowance	36,176	61,146	50,000	59,152	50,000	50,000	50,000	
Tour expenses ..	2,981	1,857	1,927	4,128	2,000	2,000	3,000	
Legislative Department ...	60,970	85,298	76,693	80,273	91,000	94,000	1,07,000	Increased provision made for travelling allowance of non-official members, owing to expansion of Council, and for the purchase of new furniture for the Council Chamber and for additional establishment.
Civil Secretariat	6,40,180	6,49,195	6,13,470	6,33,266	6,41,000	6,26,000	6,58,000	Budget includes Rs. 15,000 for revision of Secretariat establishment, and Rs. 7,000 for establishment in the Record-room. The decrease in the revised is for savings under Allowances and Contingencies.
Board of Revenue	3,09,496	3,15,048	3,13,933	3,08,648	3,16,000	3,04,000	3,04,000	The increase is due to the charges for the office of the Controller of Office System being debited to the head "Miscellaneous."
Commissioners	4,37,700	5,22,401	5,13,084	4,73,721	4,88,000	4,79,000	5,08,000	Budget includes provision for increase of pay of ministerial officers, and establishment and contingencies of an additional Commissionership for Tirhut. The decrease in the revised is for savings in the grant for the maintenance of the Chaukidari Panchayats.
Civil Officers of Account and Audit ...	43,785	49,004	47,846	88,618	98,000	91,000	1,01,000	Budget includes provision for audit of Calcutta Corporation's accounts. The savings in the revised is for non-utilization of the grant for Calcutta Port Trust Audit.
Lump Deduction ...							19,32,000	
	...		.. ...	..	..	.. ..	22,000	
Total ..	17,27,196	19,28,688	18,41,137	18,73,543	18,78,000	18,83,000	19,10,000	Revised based on the accounts of the first ten months.

19A.—Courts of Law—

Heads.	1904-05	1905-06.	1906-07.	1907-08	1908-09.		1909-10	Remarks
	Actuals	Actuals	Actuals	Actuals.	Budget estimate.	Revised estimate	Budget estimate.	
1	2	3	4	5	6	7	8	9
	Rs.	Rs.	Rs	Rs	Rs.		Rs.	
High Court—								
Judges	7,48,261	7,51,139	7,15,120	7,17,422	7,52,000	7,46,000	7,53,000	
Original Side	2,59,722	2,63,932	2,73,431	2,73,333	2,78,000	2,75,000	2,78,000	
Appellate Side	2,46,389	2,58,916	2,78,963	2,91,115	2,98,000	2,94,000	3,08,000	Increase due to revision of establishment.
Copyists' Establishment ...	69,717	42,937	51,768	43,114	41,000	42,000	44,000	
Reporters	24,664	24,864	24,972	23,185	25,000	26,000	25,000	
Total ...	13,48,753	13,71,787	13,44,254	13,51,169	13,97,000	13,82,000	14,08,000	
Law Officers—								
English Law Officers ...	98,833	1,08,499	93,658	1,41,766	1,23,500	1,37,000	1,38,000	Budget includes provision for increase in the salary of the Advocate-General and larger grant for charges for conducting law suits.
Legal Remembrancer and High Court Pleaders ...	99,117	92,400	89,777	1,28,541	1,16,000	2,06,000	1,30,000	Budget includes a lump provision of Rs. 6,000 for raising the salary of the Public Prosecutor in Calcutta and for larger grant for fees to pleaders.
Mufassal Establishment ...	1,39,612	1,38,371	2,21,200	1,85,115	1,86,500	5,64,000	2,00,000	Budget includes larger grant for fees to Counsels and pleaders.
Total ...	3,37,562	3,39,270	4,04,635	4,55,421	4,26,000	9,07,000	4,68,000	Revised includes special prosecution charges.
Coroner's Court	8,421	7,562	7,839	7,565	8,000	8,000	8,000	
Presidency Magistrates—								
Calcutta Police Court ...	81,041	96,952	1,07,998	1,18,015	1,18,000	1,05,000	1,09,000	The decrease is due to change of officers.
Municipal Magistrates ...	.....	3,427	647	6,513	7,000	7,000	8,000	

Civil and Sessions Courts—								
District and Sessions Judges...	8,56,167	8,56,073	8,65,128	8,61,121	8,38,638	8,67,000	8,80,622	Increase in budget is due to provision for the appointment of an Additional District Judge and his establishment.
Subordinate Judge ...	4,04,773	4,25,096	4,41,962	4,33,972	4,47,140	4,31,000	4,23,892	
Mufassal Small Cause Court	16,842	17,560	18,184	17,238	13,376	16,000	13,128	
Munsifs	9,94,429	9,96,016	10,28,165	10,26,476	10,38,937	10,37,000	10,19,106	Budget includes salaries of existing Munsifs, with Rs. 15,000 for regrading and temporary officers.
Allowances	20,492	24,166	93,965	1,23,723	1,19,000	1,01,000	1,10,000	
Supplies and Services ...	2,44,363	2,51,329	2,76,985	2,96,791	2,80,600	3,00,000	3,09,292	Budget includes larger grant for allowances to Jurors and Assessors and for remuneration to copyists.
Contingencies	84,419	86,916	91,775	95,755	98,412	1,15,000	1,06,315	Budget includes larger grant for new Judges.
Process-serving Establishment	4,24,764	4,14,572	4,54,541	4,73,500	4,83,768	5,05,000	5,09,262	Budget includes larger grant for grain allowance in view of the actuals of 1908-09.
Deduct—Probable savings ...	.....	.....	...	.....	(—)60,971	.....	(—)18,617	
Total ...	30,46,239	30,70,728	32,70,705	33,28,565	32,53,000	33,72,000	33,53,000	
Presidency Court of Small Causes	1,63,781	1,62,295	1,71,625	1,58,623	1,73,000	1,73,000	1,72,000	
Criminal Courts—								
General Establishment ...	17,39,523	18,46,610	18,26,436	18,50,339	19,00,000	19,60,000	19,50,000	Both revised and budget include larger grants for establishment, diet money for witnesses and remuneration to copyists.
Subdivisional Establishment ...	92,056	1,01,145	1,08,252	1,13,627	1,13,500	1,17,000	1,16,000	
Process-serving Establishment	84,460	90,099	99,561	1,01,114	1,03,000	1,02,000	1,06,000	
Tributary Mahals, Orissa	1,330	1,392	1,472	1,815	.....	1,000	... ...	
Deduct—Probable savings ...	...	.....	... ...	... ...	(—)500	...	.....	
Total ...	19,17,369	20,07,546	20,35,720	20,66,895	21,16,000	21,80,000	21,72,000	
Pleadership Examination charges	12,013	12,556	13,338	13,098	14,000	14,000	14,000	
Refunds ...	63,617	66,203	53,285	55,233	53,000	62,000	55,000	
Lump provision for increase of pay of Ministerial Establishment ...	.....	... ...	... ...	... ...	2,17,000	...	2,40,000	
					77,82,000		80,07,000	
Lump deduction for probable savings	...	.....	... ...	... ...	1,07,000	...	87,000	
Total ...	69,78,696	71,28,326	74,09,956	75,61,397	76,75,000	82,00,000	79,20,000	

19B.—Jails—

HEADS.	1904-05.	1905-06	1906-07.	1907-08	1908-09.		1909-10	REMARKS.
	Actuals.	Actuals.	Actuals.	Actuals	Budget estimate.	Revised estimate	Budget estimate	
1	2	3	4	5	6	7	8	9
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Superintendence	51,742	57,429	57,840	59,887	57,000	62,000	57,000	The increase in the revised is under establishment for revision of the Jail Code.
Establishments—								
Superintendents and Jailors	1,92,797	1,98,374	1,89,553	1,86,628	1,97,000	2,00,000	2,07,000	Increase due to reorganization of Jailors' service.
Medical Establishment ...	28,570	25,623	30,522	30,760	30,000	31,000	30,000	
Clerical, Educational and Mechanical Establishments	796	302	220	456	400	400	6,000	
Warder Establishment ...	1,56,329	1,60,757	1,64,290	1,68,366	1,69,000	1,77,000	2,08,000	Increase due to reorganization of warder establishment.
Menial and other Establishments	9,190	9,669	10,322	10,479	10,000	10,800	11,000	
Bonus to low-paid servants of Government	...	...	.....	.....	...	4,000	.....	
Dietary Charges	4,19,040	5,11,565	7,56,490	7,82,701	6,68,000	8,21,000	7,48,000	Increased provision made in view of past actuals.
Hospital Charges	65,618	65,070	67,698	72,444	69,450	70,000	72,500	
Clothing and Bedding of Prisoners	52,136	89,971	54,991	76,455	60,000	76,000	68,000	Ditto ditto.
Sanitation Charges	28,634	32,103	28,230	36,529	32,000	40,000	33,600	
Charges for moving Prisoners ...	42,290	46,449	44,336	38,814	43,000	45,000	43,000	
Miscellaneous Services and Supplies	89,828	82,854	1,06,134	87,186	1,40,820	93,000	1,35,800	Budget for 1908-09 included Rs. 32,000 for improvement of warders' service which has been debited to the proper head
Allowances	7,831	9,360	27,506	37,876	38,000	35,000	38,000	
Contingent Charges ...	31,978	31,798	34,091	36,394	35,250	37,000	37,000	
Extraordinary Charges for Live-stock and Tools and Plant ...	25,641	21,175	41,780	23,186	26,785	31,000	29,000	
Charges for Police Custody ...	11,354	11,198	13,397	14,905	13,295	19,000	15,000	
For rounding	.....	..	.....	.....	.....	...	+100	
Total Jails ...	12,23,768	13,47,537	16,27,400	16,63,066	15,90,000	17,52,000	17,39,000	
Jail Manufactures	6,78,305	11,02,683	10,36,024	10,33,786	10,60,000	9,90,000	9,61,000	Decrease in the revised is due to smaller expenditure on raw materials and European stores. The budget has been placed at a low figure in view of the decrease in receipts.
Refunds	172	14	12	100	.....	.....	.....	
Total ...	19,02,245	24,50,234	26,63,436	26,96,952	26,50,000	27,42,000	27,00,000	

10.—Police.

Presidency Police—							
Police Commissioner (Superintendence)	72,685	60,027	68,339	66,995	64,000	76,000	73,000	The increase in the revised is under Salaries. Budget includes increased provision for the revised scale of establishment sanctioned, and for a short-hand writer.
Calcutta Police	7,76,896	8,72,201	9,74,220	9,91,251	10,20,584	10,11,000	10,65,000	Budget includes provision for a larger number of constables for Courts, Government House, lock-up and reserve, and increased grants for grain allowances and rents, rates and taxes.
Hospital Charges ...	.....	... ..	22,038	32,970	28,300	41,000	30,000	The increase in the revised is under Salaries.
Special Police	.. ...	.....	51,082	16,007	41,866	37,000	40,000	
Cattle pounds		.....	2,350	1,426	2,500	2,000	2,000	
River Police	9,777	20,749	14,624	2,615	20,000	16,000	22,000	
Salt Police	3,310	3,446	449	.....	.....	.....	... .	
Police Dead-house .	648	1,076	1,362	1,695	1,500	1,000	1,500	
Lump provision for Police reform	.....	..	... .	.....	40,000	. ...	... .	
For rounding	.. ..	...	...	. ...	.....	.. .	-50	
Total ...	8,62,316	9,67,399	11,34,376	11,12,959	12,19,000	11,84,000	12,33,000	
Municipal Police	42,700	48,565	54,605	66,793	90,000	8,000	. ..	The charges are now adjusted under District Police Force.
Superintendence	1,85,253	1,98,102	2,28,773	2,29,127	2,12,000	2,76,000	2,28,000	Larger payments for secret service and contingencies in the office of the Inspector-General have led to the increase in the revised. Secret service payments have been provided for under Criminal Investigation Department in budget for next year. Budget includes larger provision for establishment and contingencies.
District Police Force—								
Salaries	3,60,565	3,60,376	4,61,750	4,78,864	5,50,000	5,22,000	5,80,000	Increase in budget due to reorganization.
Police Force	29,14,569	27,84,398	30,27,830	31,93,949	31,00,000	33,51,000	34,96,000	
Training Schools	20,694	1,12,299	1,47,147	1,27,293	1,25,000	1,31,000	1,40,000	Budget includes provision of 24 bandmen transferred from District Force and additional instructing staff.
Establishment	1,03,754	1,03,962	1,08,372	1,09,399	1,20,000	1,11,000	1,52,000	Provision of Rs 50,000 made in the budget for revision of establishment.
Hospital Charges... ..	32,976	37,064	42,451	45,632	40,000	45,000	48,000	Budget includes larger Government contribution towards cost of diet of patients.
Allowances	2,96,580	3,34,903	5,27,688	8,34,968	6,60,000	9,04,000	9,00,000	Grain-compensation allowance has raised the expenditure under this head. Budget includes larger provision for horse and conveyance allowances and larger grant for travelling allowances due to increase in staff.
Supplies and Services ...	4,40,997	4,69,356	5,81,443	5,23,948	4,83,000	5,08,000	4,87,000	
Contingencies	1,43,252	1,33,204	1,72,131	1,78,297	2,56,000	2,57,000	2,55,000	
Other Police ...	28,781	30,80	28,350	26,062	16,000	29,000	12,000	
Lump provision for Reorganisation	.. ..	.. ...	.....	....	3,60,000	.....	2,65,000	Budget includes the special assignment of 2½ lakhs to be distributed between Presidency and District Police.
Total ...	37,47,168	43,05,740	50,97,193	55,09,002	57,22,000	59,18,000	63,34,000	

Heads	1904-05.	1905-06.	1906-07	1907-08.	1908-09.		1909-10.	Remarks.
	Actuals	Actuals.	Actuals.	Actuals.	Budget estimate.	Revised. estimate.	Budget. estimate.	
1	2	3	4	5	6	7	8	9
	Rs.	Rs.	Rs	Rs.	Rs.	Rs.	Rs.	
Village Police	52,883	48,411	40 949	41,454	43 000	46,000	47,000	Budget includes larger grant for rewards.
Criminal Investigation Department	.....	... .	73,849	1,20,918	1,40,000	1,38,000	1,92,000	Budget includes Rs. 20,000 for secret service money, and lump provision of Rs. 25,000 for additional force, &c.
Special Police—								
Bengal Military Police ...	51,774	52,107	55,760	60,955	62,500	61,000	64,000	Increase due to the conversion of the Ranchi Special Reserve into a Gurkha Company.
Sikkim State Police ..	5,081	2,919	1,500	.....	.....	.. ...	... .	
Upper Burma Police Depôt ...	4,825	4,862	4,841	8.987	6,500	6,000	6,000	
Frontier Police, Chittagong ...	287	2,849	.....	...	.. ...	.....	.....	
Ditto, Angul ...	32,834	28,465	... ...	.....	... ..	.....	...	
Total ...	94,801	91,222	62,401	69,942	68,000	67,000	70,000	
Railway Police—								
East Indian Railway Police ..	55,882	59,324	62,542	74,496	92,000	89,000	99,000	Budget includes larger provision for police force.
Eastern System Railway Police	70,937	89,836	1,18,672	1,29,675	1,24,000	1,05,000	1,18,000	The saving in the revised is under police force.
Assam-Bengal Railway Police	253	1,040	.....	.....	.....	.. ...	.....	
Bengal and North-Western and Tirhut State Railway Police	10,525	11,490	13,933	17,353	22,000	17,000	25,000	
Bengal-Nagpur Railway ...	12,025	14,694	17,001	21,639	28,000	26,000	30,000	
Cooch Behar Police ...	.....	... ..	—578	.....	600	...	.....	
Oudh and Rohilkhund Railway Police	.....	.....	.. ..	3	.....	.....	.....	
Bengal Central Railway Police	4,406	1,773	.....	.....	.....	.....	.....	
For rounding	...	.....	.....	.....	—600	.....	.....	
Total ..	1,53,428	1,78,157	2,11,670	2,43,066	2,66,000	2,37,000	2,72,000	
Cattle-pounds	1,767	433	1,189	—161	1,000	1,000	1,000	
Refunds	16,786	4,845	538	1,246	1,000	1,000	1,000	
Contributions to Local Funds ..	.....	... ..	.....	....	1,000	1,000	.....	
Grand Total	51,57,149	58,03,674	60,05,449	72,09,946	77,63,150	78,55,000	81,78,149	Revised includes Rs. 60,000 for bounty paid to low paid officers

21.—Ports and Pilotage—

Salaries and allowances of officers and men afloat	61 433	91 698	75,511	85.985	94.500	1,06 000	92.000	
Victualling of officers and men afloat ...	23,719	23,612	27 104	25.278	32,000	29 000	34,000	
Purchase of Marine stores and coal for the building, repairs and outfit of ships and vessels	76,510	1 58,126	1.31.078	1,49.993	1.59,000	1,63,000	1,70,000	Budget includes Rs. 52,000 for a new boiler for the steamer *Guide*.
Purchase and hire of ships and vessels	7,45,669	73,335	9,770	21.541	6.67 000	10,31,000	28,000	Revised includes the whole cost of the second pilot vessel, *Lady Fraser*, instead of a portion, as no part payment was made in 1907-08. Budget includes Rs. 20,000 for towage and Rs. 8,000 for the construction of a steam-cutter for *Guide*.
Pilotage and Pilot Establishment	7,52,853	7.68,814	7.76,397	7,82,741	7.64,000	7.76,000	7.55,000	
Marine Establishment ...	93,623	95.735	1,02,049	1,08 996	1 12.700	1,19,000	1.07,000	Budget includes provision for a senior Deputy Shipping Master and Deputy Port Officer by abolishing the post of the Second Assistant Shipping Master. Provision has also been made for the Office of the Agent for Government Consignments, Calcutta.
Subsidies to Steam-boat Companies	20,000	18,766	18,629	15,151	20,000	20,000	20,000	
Miscellaneous	28,096	27 666	24,095	27.938	28,000	28,000	29,000	
State Yacht Establishment ...	8,987	5,903	6,080	6,094	7,900	6,000	7,000	
Refunds	16 214	7,015	2,469	2,766	2,600	2,000	2,000	
Total ...	18,20,673	12,70,369	11,74,053	11,95,783	17,77,000	22,50,000	12,44,000	Revised based on the actuals of first ten months.

Heads.	1904-05.	1905-06.	1906-07.	1907-08.	1908-09.		1909-10.	Remarks.
	Actuals.	Actuals.	Actuals.	Actuals.	Budget estimate.	Revised estimate.	Budget estimate.	
1	2	3	4	5	6	7	8	9
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
University	2,00,000	87,149	80,754	93,103	80,000	93,000	Nil	Budget omits provision, as no grant has been sanctioned by the Government of India.
Ditto for Law College ...	.....	.....	.....	.....	.....	.....	4,000	
Direction	89,667	97,515	1,20,521	1,23,210	1,00,000	1,12,000	1,12,000	Budget includes provision for an Additional Assistant Director already employed. The increase in the revised is also due to the same cause.
Inspection—								
Inspectors of European Schools	13,461	19,808	23,141	31,978	27,000	32,000	25,100	The increase in the revised is under Salaries.
Inspectors of other schools ...	2,35,526	2,70,980	4,41,561	5,95,280	6,60,600	7,21,000	6,91,000	The increase in 1906-07 and succeeding years is due to the retransfer of Subordinate Inspecting Agencies from the control of the District Boards and to reorganisation of the department. The increase in the revised is for larger expenditure under Allowances.
Lump provision for house allowance of Inspecting Officers in Calcutta . .	.....	.....	.....		.....		1,500	
Inspector of Hostels and Students' Messes ...	.....	.....	.....		400	1,000	400	
					6,88,000			
Deduct—Probable savings ...					38,000			
Total ...	2,48,987	2,90,788	4,64,702	6,27,258	6,50,000	7,54,000	7,18,000	
Government Colleges, General—								
English Colleges—								
Arts Colleges for boys ...	3,22,452	3,37,169	3,77,382	4,45,902	4,24,000	4,50,000	4,44,000	Budget includes provision for improvements at the Presidency College.
Ditto for girls ...	36,946	39,381	47,786	52,042	24,000	47,000	27,000	Reduction is nominal, and is due to the transfer of the School Department to "Schools, General."
Eden Hindu Hostel ...	33,482	34,128	33,169	33,908	36,000	31,000	35,000	
Provision for house allowance of Professors in Calcutta ...	.....	...		.....	.....		4,000	
For strengthening the staff of several Colleges ...	.....	.....	.....	.....	25,000	.....	45,000	Lump provision for giving gradual effect to new University Regulations.
Oriental Colleges—								
Sanskrit College	37,794	38,853	48,263	45,926	28,300	47,000	38,000	Budget includes Rs. 5,000 for improvements.

Expenditure on furniture and apparatus	40,993	17,406	23,546	.....	35,000		.....	Charges distributed to different colleges.
Deduct—Probable savings...	.....	.....	.....	.....	.....		400	
Total ...	5,31,360	5,27,038	5 88,682	6.35.362	6,17,000	6,32,000	6,45,000	
Government Colleges, Professional—								
Law Colleges	5,217	4,517	3.840	3,433	4,100	2,000	20,000	Budget provides for a new law college at Bankipore.
Civil Engineering College, Sibpur, Howrah ...	1,98,183	2,25,311	2.71,514	3.28,113	3,68,300	3,43,000	3,40,000	The saving in the revised is under salaries and establishment. Budget includes Rs. 21,000 for Industrial Chemistry, Rs. 7,000 for larger boarding charges owing to rise in prices, and Rs. 7,000 for a Joint Technical Examination Board.
Training Colleges for teachers	.....	.. ...	3,188	4,464	15.600	32,000	53,000	Provision made for colleges at Bankipore and Calcutta.
					3,88,000			
Deduct—Probable savings ...	.....	.....	.....		18,000			
Total ...	2,03,400	2 29,828	2,78,542	3,36,010	3.70,000	3.77,000	4,13,000	
Government Schools, General.								
District School Committees ...				1,824	1,900	2,000	1,900	
Secondary Schools—								
For Boys—								
High schools				4.01,116	442,100	4,82,000	4,91,500	
Middle English Schools				93.162	95,400	96,000	96,000	
Middle Vernacular Schools				23.040	11,000	23,000	12,800	
Anticipated expenditure from interest and surplus funds of the Uttarpara Net-gram School				...	.....	.....	2.372	
For Girls—								
High Schools				.....	25,000	3,000	29,000	
Middle English Schools ...				61,632	54,000	65,000	67,000	
Primary Schools—								
For Boys—								
Upper Primary Schools ...				5.506	2.100	6,000	2,900	

Heads.	1904-05.	1905-06.	1906-07.	1907-08.	1908-09.		1909-10.	Remarks.
	Actuals.	Actuals.	Actuals.	Actuals	Budget estimate.	Revised estimate	Budget estimate.	
1	2	3	4	5	6	7	8	9
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Primary Schools—*concld.*								
For Girls—								
Upper Primary Schools ...				.....	8,548	2,000	28,000	Budget includes Rs. 24,000 for subsidizing model primary schools.
Lower " " ...				.....	.....	1,000	8,900	
Circle School grant ...				14,317	13,000	15,000	14,300	
Payment in support of local schools under District Boards						5,73,000	5,45,000	This is for grant to District Boards to establish equilibrium.
Expenditure on petty construction and repairs ...					2,500	.....	.....	
Expenditure on furniture and apparatus					12,500	.....	.....	
Training of Gymnastic Masters					3,000	.....	3,000	
Encouragement of Athletic Club					1,000	.....	1,500	
Provision for the opening of B and C Classes in certain High Schools					10,000	.....	10,000	
					682,948		13,04,172	
For rounding ...	.....	.....	.....		8,052		15,172	
Total ...	4,86,828	5,07,223	5,92,830	6,00,597	6,91,000	12,24,000	12,89,000	
Government Schools, Special.								
Training Schools—								
For Masters—								
Normal Schools ...				2,06,332	74,000	82,000	78,000	
Guru-training Schools ...				1,31,109	4,38,008	5,22,000	6,06,000	
For Mistresses—								
Training School attached to Kurseong Boarding School				.....	5,400	3,000	12,000	
Training Schools for females at Bankipore and Calcutta				.....	.....	.....	22,200	
Allowance for School-masters' wives				.....	3,200	.....	2,500	
Zenana education by Central Gathering				1,445	4,500	4,000	4,500	

Engineering and Survey Schools				[illegible]	[illegible]	[illegible]	[illegible]	
Technical and Industrial Schools				17,826	12,000	20,910	60,800	Budget includes Rs. 35,000 for Weaving School, Serampore, and Rs. 4,732 for Weaving School, Sambalpur, and Rs. 8,800 for Bhagalpur Technical School.
Commercial Schools ...				1,278	37,600	2,000	31,000	
Madrasas				20,406	20,000	25,000	6,200	
Reformatory School ...				91,529	88,992	97,000	1,08,000	
Other miscellaneous schools ...				... .	14,220	4,000	14,316	
Agricultural classes and Agricultural gardens				4,199	9,000	..	9,000	
Grant for Muhammadan Female Education in Patna ...				.....	1,200	...	2,000	
Grant for petty construction and repairs				.....	2,400	... ..	.....	
Grant for furniture ...				.....	3,000	... ..	.....	
,, Athletic Club ...				.....	500	.....	500	
					8,27,520		10,77,116	
Deduct—Probable savings .					1,12,520		76,116	
Total	3,10,572	3,44,848	3,97,670	5,46,328	7,16,000	8,32,000	10,01,000	
Grants-in-aid	7,62,097	8,18,535	10,60,973	13,33,148	15,51,000	13,44,000	11,00,000	Grants to District Boards provided in budget for 1908-09 under this head. They are now charged to the head Government Schools, General Budget for 1909-10 does not include special grant of Rs. 80,000 given by the Government of India for three years in aid of private colleges, but it includes Rs 50,000 for grants for hostels.
Scholarships	1,59,027	1,49,409	1,55,210	1,71,211	1,70,000	1,78,000	1,85,000	
Miscellaneous	75,050	94,731	1,06,547	83,294	75,000	1,01,000	1,04,000	
Refunds	1,923	21,582	4,319	3,091	3,000	3,000	3,000	
Lump provision for Technical Education ...	.....	.... .	.....	.. ...	35,000			Included under Government Schools, Special, both in the revised and budget.
					50,67,000		55,74,000	
Lump deduction as probable savings .	. ..	.. ..	..		56,000		17,000	
Total ...	30,67,491	31,68,646	38,50,760	45,52,592	50,01,000	56,50,000	55,57,000	

24.— *Medical*—

Medical Establishment—								
Superintendence ...	77,930	80,018	71,002	69,416	70,000	70,000	76,000	Budget includes Rs. 4,600 for regrant of savings in Contract Contingent grant
District Medical Establishment	4,72,976	5,34,396	4,97,071	4,96,683	5,20,000	4,85,000	5,50,000	Budget includes provision of Rs 50,000 for improvement of pay of Civil Hospital Assistants. The saving in the revised is under "Salaries," due to the non-utilization of the lump provision for improvement of pay of Civil Hospital Assistants.
Reserve Medical Officers and Subordinates	16,387	20,009	17,427	11,809	20,000	16,000	20,000	
Total ...	5,67,193	6,24,423	5,85,500	5,76,908	6,10,000	5,71,000	6,46,000	

24.—*Medical*—concluded.

Heads.	1904-05.	1905-06.	1906-07.	1907-08.	1908-09.		1909-10.	Remarks.
	Actuals.	Actuals.	Actuals.	Actuals.	Budget estimate.	Revised estimate.	Budget estimate.	
1	2	3	4	5	6	7	8	9
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Hospitals and Dispensaries—								
Presidency Hospitals and Dispensaries—								
Medical College Hospital ...	1,60,232	1,67,624	2,11,519	2,41,498	2,50,000	2,49,000	2,70,000	Budget includes larger provision for establishment, clothing, diet of patients, maintenance of electric plant and European stores.
General Hospital ...	2,19,013	2,18,555	2,25,131	2,16,924	2,33,000	2,13,000	2,45,000	Budget includes larger grant for diet of patients and maintenance of electric plant.
Campbell Hospital ...	82,354	79,112	92,900	93,221	1,04,000	1,08,000	1,13,000	Budget includes larger grant for diet, clothing, bedding, and maintenance of electric current and gas, etc.
Albert Victor Asylum for Lepers	18,236	20,101	22,027	23,812	23,000	27,000	30,000	Budget includes larger grant for diet.
Mufassal Hospitals and Dispensaries	20,714	18,797	56,132	68,390	76,000	77,000	86,000	Budget includes provision for larger number of Civil Hospital Assistants, and larger grant for allowances for attending Hostels and Schools.
Grants to Mufassal Hospitals and Dispensaries ...	2,16,760	2,27,078	1,62,678	1,41,752	1,45,500	1,45,000	1,55,500	Budget includes provision for larger grants to Leper Asylums and Dispensaries.
Medical charges in connection with the Inland Labour Transport Fund ...	.....	.....	.....	..	1,500	1,000	1,500	
Total ...	7,16,308	7,31,267	7,70,387	7,85,637	8,33,000	8,20,000	9,01,000	
Sanitation and Vaccination ...	1,57,600	1,80,464	2,32,053	2,32,797	7,08,000	2,39,000	2,80,000	The budget for 1908-09 includes Rs. 4,50,000 for sanitary improvements which is now shewn under "Civil Works in charge of Civil officers." The budget for 1909-10 includes Rs. 30,000 for the improvement of the Sanitary service.
Grants for Medical purposes—								
Expenses during the prevalence of plague ...	81,064	1,00,003	81,724		90,000		90,000	
Establishment for working Clayton apparatus in the Port of Calcutta ...	.....	.....	.....		.....		.....	
Expenses in connection with cholera inoculation ..	5,168	128	.....		.....		.....	
Expenses during the prevalence of epidemics ...	1,976	5,081	2,206		3,000		1,000	
Value of medical stores ...	10,519	25,560	330		1,000		500	
Grants to Local Funds ...	.....	.....	.....		14,000		9,000	
Exchange compensation allowances	187	315	204		....			

								land's inquiry.
Medical Schools ...	1,10,093	1,21,708	1,18,375	1,39,144	1,28,200	1,21,000	1,33,000	Budget includes provision for additional Teachers and Demonstrators, and larger grant for Scholarships.
Total ...	2,84,630	3,51,650	3,41,086	3,51,048	3,76,000	3,53,000	4,21,000	
Lunatic Asylum	1,09,000	1,06,180	1,31,771	1,47,751	1,54,000	1,55,000	1,56,000	
Special Hospital	10,073	9,825	10,143	11,671	13,500	10,000	12,510	
Chemical Examiner ...	45,221	36,917	38,312	45,303	55,600	55,000	66,000	Budget includes provision for an additional Probationary Examiner.
Refunds	2,311	1,292	2,037	1,296	2,000	2,000	1,000	
Lump deduction for probable savings	... ..	...	... ..	.....	28,60,000 80,000		25,84,000 64,000	
Total .	19,91,050	21,74,076	21,66,763	22,41,779	27,80,000	22,85,000	25,20,000	

25.—Political.

Political Agents	.....	... .	29,970	35,265	39,000	36,000	43,000	The decrease in the revised is chiefly under "Supplies and Services." Budget includes larger provision for travelling allowance, owing to increase in rate sanctioned by the Government of India.
Entertainment of Envoys and Chiefs	1,979	2,476	.....	.....	100	... ..	100	
Durbar presents and allowance to Vakils, etc. .. .	8,641	4,724	6,519	4,585	5,900	17,000	12,900	The increase in the revised is for larger expenditure on account of Durbar presents.
Miscellaneous	2,075	5,437	4,759	7,233	5,000	2,000		
Total ...	12,695	12,637	41,248	47,083	50,000	55,000	56,000	

26.—Scientific and other Minor Departments.

Veterinary and Stallion charges	78,706	69,545	1,16,412	1,65,750	1,53,000	1,80,000	1,80,000	Increase due to gradual expansion of the Department.
Donations to Scientific Societies	8,000	8,000	36,000	10,870	8,000	8,000	12,000	Budget includes additional grant of Rs. 4,000 to the Asiatic Society for research work.
Experimental cultivation .	1,04,408	3,54,162	3,24,682	3,38,173	5,00,000	4,00,000	5,00,000	Budget includes Rs. 75,000 for fittings and appliances of Agricultural College, which could not be utilized in 1908-09, as the buildings are under construction still.
Cinchona plantation ...	1,97,988	2,40,109	2,21,954	2,07,976	2,69,000	2,53,000	2,80,000	Budget includes Rs. 50,000 for purchase of bark, and Rs. 10,000 for the construction of a bungalow at Mansong.
Public exhibitions and fairs ..	3,007	3,635	14,992	... ..	3,500	1,000	3,500	
Botanical and other public gardens	1,71,453	1,38,512	1,19,502	1,51,426	1,48,500	1,93,000	2,07,000	Management charges of Calcutta gardens transferred from Public Works Department to this head in the latter part of 1907-08.

26.—*Scientific and other Minor Departments*—concld.

Heads.	1904-05	1905-06	1906-07.	1907-08.	1908-09		1909-10.	Remarks.
	Actuals.	Actuals.	Actuals.	Actuals.	Budget estimate.	Revised estimate.	Budget estimate	
1	2	3	4	5	6	7	8	9
	Rs	Rs.	Rs.	Rs.	Rs.	Rs	Rs	
Emigration	23,985	25,624	22,107	20,467	22,300	21,000	22,000	
Inspector of Factories ...	24,327	2 ,36	24,802	25,489	31,900	27,000	50 000	Budget includes salary of an Additional Assistant Inspector and a Certifying Surgeon and establishment.
Census	1,120	1,235	1,466	1,492	1,600	1,500	1,600	
Gazetteer and Statistical Memoirs...	21,588	16,44	17,812	26,738	30,000	34 000	36,700	
Registration of Railway traffic...	8,872	7,732	7,068	7,877	11,600	9 000	17 000	Budget includes larger subsidies to Railway Companies.
Ditto of River-borne traffic	4,731	4,536	3,132	6,452	6,000	2,000	4,700	
Provincial Statistics ...	18,887	21,09	28,563	39,378	38,300	41,000	43,000	
Preservation and translation of ancient manuscripts ...	6,200	6,200	6,920	8,400	10,000	10,000	10,000	
Examinations	3,912	1,061	1,956	1,026	1,500	1,000	1,500	
Inspector of Mines... ...	2 300	488	508	413	400	500	500	
Bacteriology	8,898	10,166	9,771	13,077	10,000	10,000	12 600	
Registrar of Co-operative Credit Societies	5,996	19,383	16,285	32,241	35,500	33,000	36 800	
Inland Labour Transport Fund	... .	...	.	.....	19.300	14,000	20,000	Included under this head, owing to abolition of the Inland Labour Transport Fund.
Miscellaneous (Smoke Nuisance Charges)	21	360	..	17,893	18,000	19 000	19,000	
Refunds	150	20	633	1,101	700	1,000	900	
Grants to District Funds for part pay of Veterinary Assistants..	.....	... ..	. ..	.....	9,000	9,000	12,000	
Add—For rounding ...	. ..	.. .		.....	.....	....	2 0	
					13,78,000	..	14,71,000	
Lump deduction as probable savings	... ..	...	. .	.....	1,00,000	.....	66,000	
Total ..	6,94,514	9,72,643	9,79,964	10,76,142	12,78,000	12,78,000	14,05,000	

29.—*Superannuation.*

Superannuation and Retired allowances	22,38,128	23,41,229	24,34,509	25,55,208	26,35,000	25,75,000	27,05,000	Provision has been made for the annual growth of expenditure.
Compassionate allowances ...	15,856	13,647	13,606	13,512	15,000	13,000	14,000	
Gratuities	9,819	7,373	9,963	10,048	10,000	10,000	9,000	
Marine Department pensions ...	29,191	20,269	28,309	12 554	21,000	20,000	20,000	
Refunds	71	42	86	320			.....	

dency	86,166	56,107	63,563	60,811	69,000	57,000	65,000	
Stationery purchased in the country	37,367	37,283	33,684	33,140	37,000	33,000	35,000	
Government Presses ...	3,62,669	3,74,198	4,83,463	5,59,249	5,14,200	5,53,000	6,19,000	Increase due to the adoption of the Government of India rates, and revision of establishment of the Secretariat Press. Budget includes Rs. 41,000 for type-casting machinery indented for through the India Office, and for type-casting establishment.
Printing at Private Presses ...	933	1,079	2,715	660	3,000	1,000	1,500	
Stationery supplied from Central Stores	4,83,420	6,09,890	7,01,191	8,12,939	6,68,000	7,13,000	6,50,000	Revised raised as advised by the Controller of Printing and Stationery.
Refunds	868	440	696	452	800	1,000	500	
Total ...	9,71,423	10,78,997	12,85,202	14,67,251	12,92,000	13,58,000	13,71,000	Revised based on the actuals of the first ten months.

32.—Miscellaneous.

Khedda charges	... ..	17,075	13,853	11,166	16,000	14,000	16,000	
Travelling allowances to officers attending examinations ...	4,673	5,532	6,440	7,828	7,000	6,000	7,000	
Reward for proficiency in Oriental languages, and allowance to Language Examination Committee	14,799	9,960	12,965	13,580	17,000	12,000	14,000	
Cost of books and publications	8,740	1,100	600	597	1,000	... ..	1,000	
Donations for charitable purposes	1,40,317	1,51,977	1,51,676	1,34,805	1,40,000	1,70,000	1,70,000	Revised includes a special grant of Rs 30,000 to the Sailors' Home, Calcutta.
Charges on account of European vagrants	5,298	9,939	4,963	6,637	9,000	6,000	9,000	
Rewards for destruction of wild animals	4,551	6,601	5,764	7,555	7,000	9,000	8,000	
Petty establishments ...	35,097	31,374	2,814	14,413	17,000	16,000	46,000	Budget includes cost of the office of the Controller of Office System.
Special Commissions of Enquiry	3,097	31,570	86,981	1,38,116	1,20,000	1,45,000	1,65,000	Budget includes Rs. 1,65,000 for fisheries enquiry.
Irrecoverable temporary loans written off	5,100	5,218	360	2,763	8,000	8,000	8,000	
Rent, Rates, and Taxes ..	28,749	29,922	38,750	32,952	37,000	33,000	35,000	
Contributions	4,321	23,269	342	4,013	23,000	37,000	27,000	
Miscellaneous and unforeseen charges	41,590	19,163	5,367	3,069	7,000	6,000	7,000	
Miscellaneous Refunds ...	9,625	4,192	16,776	12,934	9,000	13,000	9,000	
Extraordinary items ...	... .	47	960	766		.. ..		
					4,18,000		5,42,000	
Lump deduction as probable savings	.. ...	.....		... ...	25,000		15,000	
Total ...	3,06,997	3,46,929	3,46,620	3,91,254	3,93,000	4,76,000	5,27,000	

40.—Railway Revenue Account—Subsidised Company's land.

Heads.	1904-05.	1905-06.	1906-07.	1907-08.	1908-09		1909-10.	Remarks.
	Actuals.	Actuals.	Actuals.	Actuals.	Budget estimate.	Revised estimate.	Budget estimate.	
1	2	3	4	5	6	7	8	9
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Land charges of the Bengal Provincial Railway	3,965	21	.....	3 413	.....	.....	1,000	

42.—Irrigation—Major Works—(Working Expenses)—

Productive Works—								
Orissa Canals	3,18,396	3,53,817	3,99,092	4.30,069	3,95,000	4 88,000	4,07,000	
Midnapore Canal ...	1,31,362	1,42,981	1,61,128	1 84,291	2,86,000	2,36,000	1,88,000	
Hijili Tidal Canals	47,652	46,518	51,493	40,783	48,000	48,000	50,000	
Sone Canals	4,90,595	4,75,823	5,73,895	7,51,750	5,86,000	6,86,000	6,70,000	
Protective Works—								
Dhaka Canal	.....	.....	3,304	18,268	10,000	15,000	29,000	
Total ...	9,88,006	10,18,139	11,88,907	14,25,201	12,75,000	14,73,000	13,44,000	Estimate based on actual requirements.

42.—Irrigation—Major Works—(Interest on Debt)—

Interest	24,51,988	24,51,959	21,21,310	21,06,966	21,24,000	21,08,000	21,09,000	

43.—Minor Works and Navigation—

IN CHARGE OF THE CIVIL DEPARTMENT.								

drainages	4,089	6,307	6,196	8,197	[illegible]		100	The actuals of 1907-08 included a spec
Refunds	9	37	65	1,384	.....		.....	Muzaffarpur.
Temporary establishment ...	.....	.....	4	.....	.....		25	
Travelling allowance ...	.....	.....	12	4	25		460	
Grain compensation allowance	.....	.....	311	458	450		97	
Add—For rounding ...	.....	.....	.....	.....	222			
Total in charge of the Civil Department ...	5,569	9,905	10,211	12,680	11,000	11,000	9,000	
IN CHARGE OF THE PUBLIC WORKS DEPARTMENT.								
Irrigation and Navigation Works.								
Works for which Capital and Revenue accounts are kept.								
Capital.								
Works in Progress								
Orissa Canals	38,232	18,923	18,824	26,622	73,000	54,000	91,000	Budget is chiefly for an enlargement of the cross-section of the
Damodar Canal ...	—1,240	.....	.....	.....	.....	.....	.....	first reach of the Taldanda Canal, and for raising the flood bank of the Pattamundi Canal.
Midnapore Canal	4,028	6,262	1,444	638	6,000	3,600	.....	
Sone Canals ...	3,365	2,416	6,076	224	6,000	1,800	6,000	
Calcutta and Eastern Canals ...	2,81,074	5,76,379	4,89,794	1,46,425	4,77,000	3,10,917	3,86,000	This is for Ultadanga-Bamanghatta Canal.
Madaripur Bhil Scheme ...				1,34,489		1,50,500	3,45,000	
Orissa Coast Canal	—302	.....	.....	.....	.....	.....	.....	
Saran Canals	1,775	939	.....	—425	.....	.....	.....	
Total Capital ...	3 18,972	6,04,819	5,16,137	3,16,883	5,82,000	5,20,517	7,78,000	
Revenue.								
Orissa Coast Canal	48,490	62,074	1,21,111	1,29,606	1,07,000	1,06,919	94,000	
Saran Canal	1,832	3,730	2,862	2,516	4,000	1,700	3,000	
Calcutta and Eastern Canals ...	3,18,614	3,60,790	4,43,877	4,46,356	3,87,000	3,51,337	4,09,000	
Madaripur Bheel Scheme ...						23,300	23,000	
Total Revenue ...	3,68,936	4,26,594	5,66,840	5,78,478	4,98,000	4,83,256	5,39,000	
Total Works for which Capital and Revenue accounts are kept ...	6,85,898	10,31,413	10,82,977	8,95,361	10,80,000	10,03,773	13,07,000	

45f—*Minor Works and Navigation*—concluded.

Heads.	1904-05.	1905-06.	1906-07.	1907-08.	1908-09.		1909-10.	Remarks.
	Actuals.	Actuals.	Actuals.	Actuals.	Budget estimate.	Revised estimate.	Budget estimate.	
1	2	3	4	5	6	7	8	9
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Works for which only Revenue Accounts are kept.								
Works in Progress.								
Nadia Rivers	1,24,238	1,25,352	1,46,046	1,13,269	1,16,000	1,15,587	1,11,000	
Gaighatta and Buxi Khals ...	10,174	1,057	100	9,706	2,200	6,200	600	
Total Works for which only Revenue accounts are kept	1,34,412	1,26,409	1,46,146	1,22,975	1,17,200	1,21,787	1,11,600	
Works for which neither Capital nor Revenue Accounts are kept.								
Works in Progress.								
Eden Canal	34,780	34,297	31,869	31,113	27,000	23,800	29,400	
Madhuban (Teur) Canal ...	11,664	2,233	3,295	8,465	4,800	6,890	9,100	
Improvement of Navigable channels—Ganges river ...	65,132	47,973	4,730	168	.....	.....	.....	
Sugarcane irrigation by pumping in Bihar	10,398	23,003	13,672	—48	.....	.....	.....	
Surveys of protective irrigation works in the districts of Darbhanga and Hazaribagh ...	.....	.....	.....	.....	.....	3,930	.....	
Total Works for which neither Capital nor Revenue accounts are kept	1,21,964	1,07,506	53,566	39,698	31,800	33,560	38,500	
Total Irrigation and Naviga-								

[26TH M

Works for which neither Capital nor Revenue Accounts are kept.								
WORKS IN PROGRESS.								
Government embankments ...	4,67,048	8,92,665	5,42,165	7,19,569	7,67,300	8,33,914	6,24,000	Revised includes Rs. 20,624 for expenditure on Ghora Katora Irrigation Scheme in the district of Patna, and Rs. 3,250 for silt clearance of Harikhally and Chunamara Khals in the district of Midnapur.
Midnapore Takavi embankments under contract	64,358		26,170	29,255				
Gundak Takavi embankments under contract	84,163		44,983	62,234				
Rajpur and Howrah drainage ...	14,653	... ..	10,734	18,122			.....	
Magra Hât drainage project ...	1,14,503	.....	.. ..	... .	. ..		.....	
Total Agricultural ...	7,44,724	8,92,665	6,24,042	8,19,180	7,67,300	8,33,914	6,24,000	
Reserve	.....	... ..	... ..	.. ...	49,700	.....	50,000	
Deduct for rounding ..	.....	....	. ...	.....	.....	(—) 34		
Total in charge of the Public Works Department ...	16,86,998	21,57,993	19,06,731	18,77,214	20,26,000	19,93,000	21,31,000	

45.—Civil Works—

IN CHARGE OF THE CIVIL DEPARTMENT.								
Ferry charges	7	4,831	3,832	2,179	6,209	4,000	6,626	
,, refunds	29,546	26,305	28,696	25,376	23,000	23,000	27,000	Estimate based on the average of the last three years.
Staging bungalows ..	6,994	6,394	6,227	6,755	8,505	7,000	8,520	
Encamping grounds ..	133	595	1,166	624	1,332	1,000	1,216	
Contributions in aid of Excluded Local Funds and Municipalities	1,45,660	1,32,459	1,47,138	3,69,359	7,49,000	6,70,000	10,60,000	Budget includes 4½ lakhs for works of sanitary improvement sanctioned by the Government of India.
Other charges	.....	.....	... ..	.....	2,000	2,000	2,000	
Reserve for buildings, etc. ...	... ..	.....	.....	.....	64,000	.....	.....	
Contribution to District Funds and District Road Funds ..	.....	... ..	.....	.....	12,76,000	11,24,000	13,81,000	Budget includes 2 lakhs for feeder roads, and Rs. 9,13,000 for grants to District Boards to augment their resources.
For rounding ...	.....	... ..	.....	.....	—47	.. ...	—362	
Total in charge of the Civil Department	1,82,340	1,70,524	1,87,069	4,06,293	21,35,000	18,31,000	24,56,000	
IN CHARGE OF THE PUBLIC WORKS DEPARTMENT.								
Original Works.								
Civil Buildings { In progress .. / Not commenced }	29,96,173	33,47,854	37,14,370	38,22,254	{ 17,86,400 / 8,48,100 }	32,14,000	{ 11,31,000 / 4,09,000 }	
Communications ... { In progress ... / Not commenced }	3,10,286	3,00,622	3,42,216	5,11,329	{ 2,01,800 / 60,200 }	2,82,000	{ 1,40,000 / 20,000 }	
Miscellaneous Public Improvements. { In progress .. / Not commenced }	1,15,384	4,01,334	1,82,236	2,96,528	{ 33,900 / 7,500 }	70,000	{ 10,000 / 3,000 }	
Total ...	33,30,811	40,49,810	42,38,822	46,30,111	29,37,400	35,66,000	17,13,000	

40. *Civil Works*—concluded.

Heads.	1904-05. Actuals.	1905-06. Actuals.	1906-07. Actuals.	1907-08. Actuals.	1908-09. Budget estimate.	1908-09. Revised estimate.	1909-10. Budget estimate.	Remarks.
1	2	3	4	5	6	7	8	9
	Rs.	Rs.	Rs.	Rs.	Rs	Rs.	Rs.	
In Charge of the Public Works Department—*concld.*								
Repairs.								
Civil Buildings	5,37,351	4,52,869	5,03,567	5,46,123	5,08,600		5,50,000	
Communications	8,67,747	7,53,245	9,17,326	9,00,619	9,50,000		10,00,000	
Miscellaneous Public Improvements	69,700	59,160	67,629	56,739	1,00,000		60,000	
Total ...	14,74,798	12,65,274	14,88,522	15,03,481	15,58,600	14,48,000	16,00,000	
Establishment	9,31,378	9,21,616	8,46,362	9,59,300	10,00,849	10,20,000	11,46,406	
Tools and Plant	64,022	55,407	1,31,337	64,906	74,151	6,3000	50,594	
Stock and Suspense ...	36,909	—13,480	—11,615	96,135	.....	74,000	.....	
Total in charge of Public Works Department	58,37,918	62,78,627	66,93,428	72,53,933	55,71,000	61,76,000	45,10,000	
Grand Total ...	60,20,268	64,49,151	68,80,487	76,58,226	77,66,000	80,07,000	69,96,000	
Contribution from Provincial to Local—								
Land Revenue	32,000	38,000	69,000					Grants now included under service heads.
Provincial Rates	.....	.....	.....					
Police	.....	.....	1,000					
Education	.....	3,000	55,000					
Medical	5,000	29,000	10,000					
Scientific and other Minor Departments	4,000	6,000	4,000					
Miscellaneous	29,000	1,000	15,20,000					
Covering Deficit	7,70,000	7,16,000	.....					
Civil Works	2,28,000	14,84,000	6,55,000					
Famine Relief	.....	.....	3,12,000					
Reserve	.....	.....	.....					
Total ...	10,68,000	22,77,000	26,26,000	19,19,000				

APPENDIX C.

Receipts and Expenditure of District Boards and District Road Funds.

(The figures in column 4 are those passed by the Commissioners of Divisions).

RECEIPTS.

HEADS OF REVENUE.	Actuals, 1907-08.	Revised estimate, 1908-09.	Budget estimate, 1909-10.	REMARKS.
1	2	3	4	5
	Rs.	Rs.	Rs.	
—Land Revenue (Proper) ...	.....	30,543	27,140	Represents contribution from Provincial Revenues for improvements in Government estates in the Santhal Parganas hitherto shown under contributions.
—Provincial Rates	36,40,658	35,57,749	36,03,563	Represents collections from Road Cess.
—Interest	33,932	38,217	34,204	Represents interest on arrear collections of Road Cess and on Government securities belonging to Education, Medical and other departments.
—Police	3,43,488	3,21,579	3,36,888	Represents receipts from Pounds.
—Education	44,318	6,51,434	5,73,748	Represents fees and other receipts from schools. Revised and Budget include grants of Rs. 5,73,000 and Rs. 6,45,000, respectively, from Provincial Revenues in addition to net receipts from Ferries, Pounds, etc., which were localized on the introduction of the Local Self-Government Act. These contributions were formerly shown under Contributions.
—Medical ...	50,857	93,349	90,313	Both Revised and Budget include grants from Provincial Revenues in the districts of Puri, Sambalpur, etc., formerly shown under Contributions.
—Scientific and other Minor Departments	14,710	27,349	27,540	Both Revised and Budget include grants from Provincial Revenues towards Veterinary establishment formerly shown under Contributions.
.—Stationery and Printing ...	1,298	2,621	2,699	
.—Miscellaneous	1,29,312	1,59,245	2,65,214	This is a very fluctuating head of receipts.
.—Irrigation-Minor Works and Navigation in charge of Civil Department	5,659	7,321	5,100	
.—Civil Works in charge of the Civil Department	5,49,243	13,78,796	11,43,687	Both Revised and Budget include grants for augmenting the resources of District Boards and for Feeder-roads, etc.
Total Revenue ...	48,13,475	65,98,203	61,10,096	
utions from Provincial to Local ...	19,18,815	...	...	
ead	30,56,925	11,49,011	7,64,929	
g Balance	29,96,120	30,67,475	14,09,717	
GRAND TOTAL ...	1,27,85,335	1,07,24,689	82,84,742	

EXPENDITURE.

	Heads of Expenditure.	Actuals, 1907-08.	Revised estimate, 1908-09.	Budget estimate, 1909-10.	Remai
	1	2	3	4	5
		Rs.	Rs.	Rs.	
1	Refunds and Drawbacks	8,003	632	35	
3	Land Revenue	29,235	28,597	34,549	
8	Provincial Rates	1,89,111	1,49,588	1,50,741	Revised and Bu Rs. 1,46,00 1,48,000, res account of cost of collec Cess, Valuat valuation Certificate establishmen
14	Interest on other Obligations	7,334	12,126	11,778	
18	General Administration ...	2,04,144	2,33,403	2,14,988	
20	Police	30,672	41,373	37,091	
21	Ports and Pilotage	...	1,500	1,500	
22	Education	11,70,393	13,92,717	11,79,319	
24	Medical	4,06,419	4,78,826	4,49,975	
26	Scientific and other Minor Departments ...	62,635	74,280	70,782	
29	Superannuation Allowances and Pensions...	32,707	39,345	39,553	
30	Stationery and Printing	47,148	44,898	38,449	
32	Miscellaneous	40,466	43,339	45,174	
33	Famine Relief	49,719	3,15,291	27,250	
43	Irrigation-Minor Works and Navigation in charge of Civil Department ...	...	4,36,634	3,50,000	This is for Hât Drain
	Irrigation-Minor Works and Navigation Public Works Department	3,76,955	...	...	
45	Civil Works (Civil)	46,74,688	54,02,655	40,24,848	Estimate bas requirements
	Total Expenditure ...	73,29,629	86,95,204	66,76,032	
	Contributions from Local to Provincial ...	55,349	...	...	
	Debt Head	23,32,882	6,79,768	4,63,661	
	Closing Balance	30,67,475	14,09,717	11,45,049	
	Grand Total ...	1,27,85,335	1,07,84,689	82,84,742	

[*The President.*]

The Hon'ble the PRESIDENT said:—"Gentlemen of the Council,—The Hon'ble Mr. Oldham has just told you that the Council will meet on Monday, the 5th April, to discuss the Financial Statement which he has just laid before you. In view of this, I have taken the opportunity to look over the proceedings of the last budget debate, and also to make certain inquiries. As a result of these inquiries, three facts have emerged, to which I shall make a very brief allusion just now.

"In the first place, I notice that the proceedings of the last debate ran to a most inordinate length. They occupied almost exactly 100 pages of small print. No less than 35 pages of these stand to the credit of one Hon'ble Member, and more modest contributions of 7 or 8 pages are quite common.

"Secondly, I notice that Sir Andrew Fraser had occasion to comment on the irrelevance of many of the subjects which were discussed by the various speakers. Some of them were not merely entirely foreign to the budget itself, but lay entirely outside the province of this Council altogether.

"Thirdly, rule 10 of the Rules of Business, which permits an Hon'ble Member to refer to notes for the purpose of refreshing his memory, but which forbids him from reading his speech, appears to have dropped out of sight, and I have reason to believe that some Hon'ble Members are not even aware of its existence at all. Indeed, as regards this last point, I am aware that there has been a good deal of license allowed in the past, and although that was not always the case—it certainly was not when I was a Member of this Council—and though I do not altogether like it, I am not going to interpret the rule very strictly unless I think the privilege is being abused. But the other two points mentioned appear to call for somewhat careful attention. The lengthy speeches of last year seem to me—well, I won't say an abuse, but they seem to be a misuse of the privilege of speech; and, so far from fulfilling any useful purpose, I think they merely serve to darken counsel. I am not going to dwell on this subject at great length now, because I may be laying myself open to the charge of committing the very offence of which I have been complaining; but it will be obvious to you that when this Council is doubled in size and when it holds greater powers of discussing matters, any such procedure would become absolutely impossible: it would bring the whole administration of the Province to a deadlock.

"I think it would have an excellent salutary effect if we endeavoured to anticipate, to some extent, the probable arrangements that will come into force when the Council Reform Scheme is introduced. It is certain that, under these conditions, the rules of relevance will have to be strictly enforced, and it may even be necessary to impose a time-limit on speakers.

"We need not pass any self-denying ordinance, or lay down any definite or arbitrary rule, but I venture to ask all Hon'ble Members who propose to speak on Monday, the 5th, to endeavour to make their speeches as brief as they can, and also to try to avoid wandering from the subject before the Council any more than they can possibly help."

The Council was then adjourned until Monday, the 5th April, 1909, at 10-30 A.M.

CALCUTTA;
The 5th April, 1909.

F. G. WIGLEY,
Secretary to the Bengal Council.

B. S. Press—13-4-1909—5147J—600—W. M. D'C.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met in the Council Chamber on Monday, the 5th April, 1909, at 11 A.M.

Present:

The Hon'ble SIR EDWARD BAKER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble MR. F. A. SLACKE, C.S.I.

The Hon'ble MR. W. C. MACPHERSON, C.S.I.

The Hon'ble MR. E. W. COLLIN.

The Hon'ble MR. F. W. DUKE.

The Hon'ble MR. J. G. CUMMING.

The Hon'ble MR. C. E. A. W. OLDHAM.

The Hon'ble MR. A. S. THOMSON.

The Hon'ble SIR CHARLES ALLEN, KT.

The Hon'ble MR. E. P. CHAPMAN.

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, M.A., B.L.

The Hon'ble MAHARAJADHIRAJA SIR BIJAY CHAND MAHTAB BAHADUR, K.C.I.E., of Burdwan.

The Hon'ble BABU GAJADHAR PRASAD.

The Hon'ble BABU DEBA PRASAD SARBADHIKARI, M.A., B.L.

The Hon'ble MR. F. A. LARMOUR.

The Hon'ble BABU RADHA CHARAN PAL.

The Hon'ble MR. M. S. DAS, C.I.E.

The Hon'ble IHTISHAM-UL-MULK RAESHDDOWLA AMIR-UL-OMRA NAWAB ASEF KADR SYED WASIF ALI MEERZA KHAN BAHADUR MAHABAT JANG, Nawab Bahadur of Murshidabad.

The Hon'ble MR. C. W. N. GRAHAM.

[*President; Mr. Graham.*]

BENGAL FINANCIAL STATEMENT FOR 1909-10.

The Hon'ble the PRESIDENT said:—"I wish the Members to follow the practice which was introduced last year, and to call upon Hon'ble Members who have given notice of their intention to speak in their order of juniority; the non-official Members will speak first, and then the official Members to the right of the President, and then the official Members to the left of the President, ending with the Financial Secretary."

The Hon'ble MR. GRAHAM said:—"Your Honour, as the Financial Statement which we are to-day discussing all too plainly shows, we have just come through a bad year, and not only Government but Commerce, which I more particularly represent on this Council, has the same tale to tell, and can therefore all the more readily sympathise with the position which that Statement unfolds. In fact, the Budget, to a great extent, suffers from and reflects the general condition of trade during the past year.

"Under the circumstances, it would be worse than folly for me to press for more liberal grants for this or that item or project, seeing I should be asking for what is not there to be given.

"I will therefore confine myself to tendering the thanks of those I represent here, and my own, for the grants which it has been found possible to make towards those items in which we are more particularly interested.

"In the first place, it has been found possible to make a grant of Rs. 6,81,000 towards two schemes in which Calcutta trade is much interested. I refer to the Ultadanga-Bamanghatta Canal and the Madaripur Bhil route schemes, and I am certain that had we been discussing a prosperity budget, instead of the reverse, we should have found a considerably larger amount devoted to the opening up and improving of the great inland waterways of Bengal.

"Secondly, I note under the heading of Medical, the very greatly increased grants made to the hospitals and dispensaries, namely, Rs. 9,01,000, as against the budget estimate of last year Rs. 8,33,000, and in thanking Your Honour's Government for thus again so materially increasing these grants, I am only expressing the sentiments of the whole Calcutta community.

"While on this point, I would like to refer for a moment to the report of the Committee appointed by Sir Andrew Fraser to go into the question of the position and working of the Hospital Nurses' Institution. That Committee recommended, among other things, the raising, if possible, of an additional sum of between Rs. 50,000 and Rs. 60,000 annually from the public. Now I do not want to seem pessimistic, but my feeling is that certainly, as far as the European commercial community is concerned, something near the limit is being already subscribed. The figures show that while out of the total of about Rs 36,000 subscribed by the public last year, 97 *per cent.* was subscribed by that community, and only 3 *per cent.* by the Indian community. I bring this forward, so that should it be expected that this large annual increase in subscriptions is likely to be raised from the European community, too much faith may not be pinned on those expectations. On the other hand, I feel sure that the true state of the case, as shown by the figures in the report, has only to be realized by the Indian community at large, to be immediately rectified.

"I do not feel I should be justified in passing over entirely without comment the item on the Dr. side of the account, under the heading 'Law and Justice.' The estimate has been largely exceeded, and this is due to the proceedings necessitated by the outbreak of Anarchical crime in Bengal. It is scarcely necessary for me to say with what intense interest the Commercial community have followed the history of Anarchy and Sedition in the Province during the last year, and the means which Government have been employing to stamp them out. Throughout the trying time we have ever been ready to give Government our utmost support, and have ever been ready to strengthen their hands in their endeavours to put down this form of crime. We welcomed the special legislation, which was adopted in December last, and trust there will be no relaxation of the means now being employed, until the Province can be truly said to be free of every vestige of Anarchical conspiracy and crime.

[*Mr. Graham; Nawab Bahadur of Murshidabad, Amir-ul-Omra.*]

"There is one more point which I should like to mention, if I do not lay myself open to a charge of irrelevancy, but such a great question, as has recently been raised by the proposals of the Bengal and North-Western Railway Company to lease the Eastern Bengal State Railway, is so mixed up with Calcutta trade generally, and consequently with the financial questions of Bengal, that I think I am justified in referring to it here to-day. These proposals have been referred by the Railway Board to the Chamber of Commerce for their opinion, and the Chamber has been consulting its members and allied Associations very fully before replying to the Railway Board's note. The result has shown a very unanimous opinion, as expressed by all the different branches of trade in Calcutta, hostile to those proposals, and I can only hope, Sir, that you will find yourself in agreement with that opinion, and that your Government may see its way to add the weight of its support to our opposition to that scheme."

The Hon'ble the NAWAB BAHADUR of Murshidabad, AMIR-UL-OMRA, said:—

"YOUR HONOUR, I do not think I need take up the time of Hon'ble Members with any lengthy observations such as usually has been the practice on the last day of the Session. The present Budget offers few points of controversy; and though the idea of the absence of a balance at the close of next year is far from encouraging or gratifying, it must be remembered how generously has expenditure to be provided for schemes of absolute necessity, how largely the resources of Government have been taxed by unforeseen events and what difficulties those responsible for a proper adjustment, adjudication and allotment of funds must necessarily feel to meet pressing demands and urgent requirements on all hands.

"When one considers that the actual expenditure on Public Works has increased enormously, I do not say unnecessarily, and has aggregated more than the amounts assigned by the Government of India by over 107 lakhs of rupees; that expenditures under the heads of Police and Education have rapidly increased; that heavy charges have been made upon our finances for paying grain-compensation allowances by reason of a succession of bad agricultural years, consequent on want and unequal distribution of rain on the one hand and high floods on the other, resulting in the destruction of crops and a poor and insufficient outturn much below the normal—circumstances which have to a large extent affected seriously many parts of the Province and have necessarily affected the growth of Government Revenue and caused heavy drain upon the resources of Bengal, our closing balance, or rather its want, is easily explicable, and it is no wonder that from a substantial balance of nearly a crore in 1903-04 the balance at the close of the year will be nil.

"It is much to be regretted that anarchism and sedition should not only injure the reputation of the country but also affect its resources and absorb its revenues. Your Honour, one can very well see that it is these and other unavoidable charges which have contributed to sweep away what would have been a much desirable balance at the end of the year, notwithstanding the special grant of about 17 lakhs of rupees which the Government of India have been pleased to make and for which we must all be grateful. I sincerely hope with my hon'ble friend in charge of the estimate that we shall not be confronted with a recurrence of bad seasons, untoward events or unlooked-for contingencies, and that our financial outlook will be better and more hopeful in the future so as to enable Government to provide for large new schemes and works, such as are of a pressing nature and undoubted importance and utility.

"It is, however, a matter of congratulation that, notwithstanding this position of things, the Hon'ble Mr. Oldham has been able to provide for the normal expansion of the administration in many departments, besides making provision for special items of a recurring nature amounting to 11 lakhs of rupees.

"The allotment for the increased salary of ministerial officers will be most welcome and will be thankfully received by a deserving and hard-worked class of public servants. I trust the provision for the improvement of the

Calcutta Madrassa is but the first instalment of special Government patronage and will, I have little doubt, be appreciated by my co-religionists. The demands for its improvement were forcibly voiced at the Town Hall Meeting, and the claims of the Madrassa would not escape the notice and the treatment of a sympathetic Government.

"Your Honour, there are several other allotments in the Budget which call forth public appreciation and acknowledgment. The special allotment of over 10 lakhs for various objects, including charges for Guru training school buildings and training schools for female teachers, will be most welcome, as also the provision for the celebration of Empire Day in schools and colleges.

"Turning to the head of Medical Expenditure, I find an allotment of over a lakh of rupees for the Campbell Hospital alone, besides large grants to several hospitals. Your Honour, considering how largely that hospital is resorted to and how its resources are unfortunately taxed at times, any allotment to improve and increase its accommodation, staff, scope and usefulness would be money very well spent.

"There has, I observe, been a marked falling off in the receipts under the head of Irrigation, *i.e.*, Minor Works and Navigation in charge of the Public Works Department. I find that decrease is chiefly in Navigation receipts from, among others, the Nadia Rivers. I have more than once urged the importance of dredging the Bhagirathi so as to keep open a navigable channel, and its importance is by no means lessened, much less removed, by reason of our having at no distant date lines of Railways on both sides of that river. The receipts under this head would, no doubt, increase if a channel with sufficient water could be kept open for navigation throughout the year. But the importance of the work is apparent from another point of view. The banks of the Bhagirathi are studded with important towns and villages, and as the river is the principal source of their water-supply, it is absolutely necessary that a current, unavoidable for a supply of good drinking water, should be kept up during the dry months, which will greatly improve the sanitation of those places. Already a dredger has, I understand, been ordered to be worked and is, I am informed, working at the mouth of the river, and I hope the labours of the Public Works Department will be maintained in the direction of continuing the work of dredging and of inducing into the stagnant rivers of the Nadia Division an ample supply of fresh water from the Ganges.

"I trust also that the labours of the Malaria Commission will not be allowed to rest till there is material improvement in the health and sanitation of the people of Bengal, especially the malaria-stricken districts—a subject which, along with the question of improving the water-supply of our villages, will, I trust, always engage our serious consideration.

"On the whole, therefore, considering the circumstances I have alluded to above, I think the Province has reason to be thankful that immediate and urgent needs, such as our financial position would allow, have been satisfactorily made in this the first Budget of Your Honour's administration."

The Hon'ble MR. DAS said:—"Your Honour, on a previous occasion when I represented Orissa, from my seat in this Chamber I said that a non-official Member of this Council was an interpreter between the Government and the people. On that occasion my interpretation of a non-official Member's position was endorsed by our illustrious countryman who now is an Hon'ble Judge of the High Court—the Hon'ble Justice Ashutosh Mukherjee. My duties are to bring to the notice of Government the views and the feelings of the people and to explain to the people of Orissa the reasons which influence Government in their action, the object Government have in adopting particular measures, and how such measures are calculated to affect the interests of the people.

"My personal views and opinions I should not allow to ride over those of the millions whom the Budget affects. I read the budget as the people of Orissa would read it.

"Looking at the allotments in the budget under the several sub-heads of education, a disparity in the distribution of the funds is visible. The people were hitherto under an impression that Orissa was left in the cold because her claims had not been eloquently advanced. That of the three children, Bengal,

Bihar and Orissa, the most eloquent commanded the attention of the paternal Government. But Your Honour's salutary advice given at the last sitting of the Council with regard to speeches in Council is calculated to remove that impression, and we have reason to hope that whatever reasons might have guided the Bengal Government in the past in the allotment of funds to advance education in the three provinces under that Government the 'most eloquent and the most clamorous should be first attended to' (which is the rule some parents go by) will not be the rule of Your Honour's Government.

"In Bengal the people appreciate the advantage of high education. High education has been a long-standing plant in Bengal; it has struck a root in the province; it has borne fruits. The private colleges testify to the appreciation of the benefits of high education by the people. Colleges have been run on commercial lines. They are in some cases a source of income to the proprietors.

"Add to this the fact that the permanent settlement has raised a rich aristocracy. The condition of the people is more prosperous. Of the three provinces under this Government, Orissa has been under British rule during the shortest period. She is the youngest and the poorest child, yet Orissa has made progressive contributions to income under Land revenue. The people of Orissa think that their claims ought to have preferential attention. But the Budget allotments point the other way.

"I find in the Budget under discussion an allotment for Law classes at Bankipore but none for Orissa. I hold in my hand a letter which contains a promise for Law classes in Orissa should the number of students be sufficient. We are thankful to Government for having awarded six scholarships to students from Orissa who come to Calcutta to read Law, but that has already been found insufficient. I know that already ten applications have been made and by the time the result of the B. A. Examination now being held will be published there will be fully another ten applications.

"The number of students in a class is not a proper test of the appreciation of education among a people in the early stage of a foreign education. B. L. candidates from Orissa have in past years distinguished themselves in the University. One year a student of the Cuttack Law classes stood at the top of the successful B. L. candidates.

"The principle which ought to guide the Government in giving backward Orissa facilities for education ought to be sought in the budget allotments of Bengal during the few years which followed the first introduction of law as a subject of study in Bengal.

"There is another test by which to judge whether people appreciate high education or not. This is the contribution by the people towards this object.

"There are some colleges in Bengal where Government scholarships are given in recognition of private donation towards the funds of the college. An inquiry will disclose facts in support of this statement. The Government College at Cuttack and the hostel attached to it has received private donations to the extent of nearly Rs. 38,000. This is not in any way discreditable to a poor province. But there has been no recognition by Government of this private liberality as in Bengal. The College at present is inadequately equipped, the details of which are given below:—

Wants of the College.

I. Affiliation:—

(*a*) In History for Intermediate and B
(*b*) In Physics for B. A. or B. Sc.
(*c*) In Botany for B. A. or B. Sc.

II. Strengthening the staff—

(*a*) A Lecturer-demonstrator for Chemistry (Immediate).
(*b*) A third Lecturer for English (Immediate).
(*c*) Two Professors for History.
(*d*) A Lecturer-demonstrator for Physics.
(*e*) A Lecturer-demonstrator for Botany.

III. Building accommodation—

(*a*) Eight or nine rooms for the Arts classes, of which two should be at least 40′ × 25′.
(*b*) Rooms for Library, Reading room, Students' common room, etc.
(*c*) Examination Hall.

IV. Special grants for the—

(*a*) Library.
(*b*) Chemical, Physical and Botanical Laboratories.
(*c*) Water-supply for the Laboratory.

V. Playground.

"The Cuttack Collegiate School is the only one under Your Honour's Government which counts among its students ruling Chiefs. The Maharaja of Mourbhanj was educated there. The importance of education of these Chiefs who are destined to rule over large populations cannot be over-estimated from a political point of view.

"Besides the Cuttack College counts among its students many Bengalis who accompany their guardians who are transferred on public service or who are drawn there by considerations of cheap living and healthy climate. Every one who had something to do with the students of the Cuttack College will support me in my statement that in the case of Bengali students the cause of discipline, the interests of good manners have not suffered, if not gained, by their education out of Bengal, and the interests of the British Empire in raising up loyal subjects among the educated class have not suffered.

"On a consideration of the advantages which Bengali students get by attending the College at Cuttack, I hope my appeal to Your Honour on behalf of that College will receive the support of the Hon'ble Members who represent Bengal proper.

"For some time past the people of Orissa have been promised an Engineering School. This was promised on condition that the people contribute Rs. 20,000 towards the initial cost. I remember having visited suitable sites in the company of a former Lieutenant-Governor and of a Director of Public Instruction, now retired. Only a few weeks ago I was asked by the Commissioner whether I was willing to raise twenty thousand rupees as I had promised. I moved in the matter and I got promises from friends. But I do not see any allotment for it in the Budget before us.

"Under the head of Female education I find provision for training schools for female teachers at Bankipore and Calcutta, but no provision for Orissa. Female education has as good prospects in Orissa as it has in any other part of the country under Your Honour's Government. The absence of early marriage among the higher classes is not an insignificant factor in judging of the prospects of female education. It is true that female education in Orissa has not made the same progress that it has done in Bengal, but no attempt has been made on proper lines. Female education is a delicate subject and a most difficult matter to deal with. There is no subject which imposes on Government officials greater obligation of consulting the feelings of the people.

"Rules made for grants-in-aid to boys' schools ought to be modified. The powers of Magistrates who never visit a girls' school, never give a moment's thought to the subject of female education, to interfere with its management merely for love of interference ought to be curtailed. The management ought to be left in the hands of the people who support a school or send their daughters to the school and not to European Magistrates who delight in disturbing harmonious working on grounds unintelligible to the non-official public, and therefore apt to be misconstrued.

"The last census figures show that the percentage of literate population among females in Orissa is double that of Bihar.

"Government sent to England a Bengali lady to study the system of female education in England. She studied as a Government scholar. Orissa sent a lady the costs of whose education were paid from private resources. Since this lady's return from England a girls' school has been taken in hand. The Director of Public Instruction calls it 'the first really successful effort in the way of Uriya female education.' But to make female education successful

in Orissa we must have trained female teachers. The teachers must be trained in the vernacular of the Province. I do not know what rule Government goes by in providing for training female teachers in Bihar and Bengal and disregarding the claims of Orissa. If the extent of public contribution is the test, I feel sure the people of Orissa will not lag behind Bihar in that matter, but no opportunity has been given to them. My hopes of public liberality in this matter are based on the liberal support which the girls' school referred to above received at the hands of the Orissa public—the public having subscribed about nine thousand rupees towards the funds of the school in one year.

"I am not in favour of mendicancy, and I shall be the last person to teach it to my people. I believe in the old saying, 'Heaven helps those who help themselves,' and I hope Government appreciates the principle underlying this old saying.

"The Medical School at Cuttack from the date of its foundation has received support of public liberality. The latest donation was a sum of rupees twenty-five thousand towards the construction of a female ward. The School is attended by a large number of Bengali boys, and therefore any grant towards the better equipment of this School will not be an advantage to Orissa exclusively. I am thankful to Your Honour's Government for the provision of scholarships for Uriya students and for a grant of Rs. 3,000 when Your Honour visited the School.

"The Budget does not represent a state of financial prosperity, and therefore, my demands in the interests of education might not meet with Government approval, but, as I said at the commencement, I am here to lay before Your Honour the views and feelings of the people of Orissa.

"*Revision of Land-settlement.*—There is a large allotment for maintenance of land records and revision of settlement.

"It would be irrelevant to enlarge here on the unpopularity of the revision of settlement work. There is a marked difference of opinion between the people and the Government on the utility of the measure. Any one anxious to ascertain which view is correct may do so by visiting without previous notice a settlement camp as a distinguished English Journalist did. He visited some camps at 11 o'clock at night, saw the people and ascertained their views.

"It is admitted that the main object of this measure is to reduce the costs of the next revenue settlement of Orissa which comes about twenty years hence. The Hon'ble Member in his explanatory remarks said that 'Government has been advised that this is a work of much urgency and that it will be much more economical to push it through rapidly than spread it over a considerable number of years.' Revenue settlement work means an increase of Revenue. The enhanced assessment of each settlement means so much contribution from people's income to the Government exchequer. The people of Orissa make this contribution. Bengal is free from this liability.

"If the Government can afford to provide large sums for different branches of education in Bengal, notwithstanding that it has to make large provisions for unforeseen anarchism and sedition, I hope the request of the people of Orissa will not be considered unreasonable if they ask that the revision of settlement work might be spread over a few years so as to enable Government to make provision for education in the present budget with only a portion of the large amount allotted for the work.

"The reasons for the urgency of the measure are unknown to the people. The protection of the rights of the poor raiyats from the encroachment of oppressive zamindars cannot be any of those reasons; for we know that records-of-rights were made about ten years ago in Orissa, whereas in most parts of Bengal proper there has never been any record-of-rights. The records of Courts of law if examined will show that the relation between zamindars and raiyats in Bengal is more unfriendly than in Orissa. Under these circumstances is it any wonder if the people fail to see the justice of the provisions for education in Orissa in the present budget.

"There is a provision of Rs. 59,000 for 'Maintenance of records-of-rights in Orissa.' The work that is being done now is in the nature of an experiment. This experiment is expected to suggest the lines on which legislation is to be made for maintenance of records-of-rights.

[*Mr. Das.*]

"It is difficult for the people to understand why Orissa should have been selected as the field of experiment. Bengal, where the people are more advanced, better acquainted with the nature of their rights and better able to defend and define those rights, would have been a more suitable field for experiment. Experiment to be useful as guidance for the evolution of a scheme should not be made in a tract where the people are ignorant. Besides, what is the legal value of records made without the sanction of law? Moreover, it is in contemplation to re-cast the scattered legislative enactments now constituting the land-law of Orissa and pass a consolidated Act defining the legal incidents of the several kinds of interest in land in Orissa. There was a Conference the other day on this subject. This change has been found necessary because the land-law of Bengal does not suit the conditions of Orissa. A change in the near future is before us. With this prospect of a change in the law, is it economical to hurry on the revision of records under a law which Government have found necessary to alter? What would be the value of these records if the contemplated Act is passed? Either the law will remain a deadletter or the records must be altered to comply with the new law.

"If twenty years hence the people are expected to contribute a portion of their income to the Government revenue, is it unjust and inequitable of the people to expect that a portion of the present revenue should be spent in providing education on lines which are calculated to compensate for the loss ahead? Is it fair and just that education should be postponed in order that saving might be made in the preparatory measures for the next revenue settlement? These are questions which naturally suggest themselves to the people. All I expect is that explanations on these points should be given if the Government do not see their way to transfer a portion of the amount allotted for these purposes for educational purposes.

"It is wise to feed the goose which lays golden eggs. Every schoolboy knows it is unwise to kill it: it is equally unwise to stint its growth. The shepherd who invests in shearing tools all his funds and in the meantime neglects the well-being of his sheep will not win the reputation of a wise shepherd. If the maintenance of records-of-rights in lands is necessary, have it by all means. But there is another record and a more valuable one. The temple of Bhubeneswar, Puri and Kanaruk testify to the capabilities of the people prior to the days of British rule. The maintenance of this record is more valuable. A few thousand rupees spent on repairs to these edifices might preserve the handiwork, but the intellect which designed them and the hand which executed the design have disappeared. These monuments of past glory serve only the purpose of weeping willows under which the present generation might weep over their loss. The people of Orissa have a history worthy of any people in India. They have a glorious future in their unexploited natural resources. But these treasures lie concealed in the dark cells of ignorance. Let the light of education shine on those dark places. I hope Your Honour's name, which has been associated with progress in Bengal, will also be associated with progress in Orissa, and whatever value posterity might attach to record of land, it will be Your Honour's share to have maintained the records of a people's intellect.

"*Increase of Salary of Advocate-General.*—The budget provides for an increase to the salary of the Advocate-General. The present pay was found sufficient to secure the services of illustrious lawyers like the late Sir Charles Paul, Mr. Woodroffe and the Hon'ble Mr. S. P. Sinha. I have no doubt that there is reason for this increase of pay, but I hope it is not the intention of Government, as rumour has it, to bring out a lawyer from England for the post. We know that in Madras a Vakil was appointed to the post. It would be placing an undeserved discount on the erudition and experience of the Barristers and Vakils in Calcutta if the office were filled up by a gentleman from England.

"*Fisheries.*—A large sum has been set apart for Fisheries inquiries. It appears from the remarks of the Hon'ble Member who introduced the budget that it is in the contemplation of Government to leave the industry ultimately to private enterprise. If that is the object, it is desirable to avoid all measures which are likely to be misconstrued as attempts on the part of Government to turn it to an additional source of revenue to the prejudice of private rights.

"I don't know how the action of Government has been construed in Bengal, there have been acts by Government officials in Orissa which have been trued as attempts to encroach upon long-enjoyed rights of fishery over ral waters.

"I find a provision for scholarship for the study of pisciculture in Europe America. The study of an industry in a foreign country is useful to country, if the student on his return to India finds employment under ate employers. Capital is shy of enterprise in this country. Government out students who returned as expert agriculturists but spent their time in iding over Law Courts. It is far more economical to subsidize private orprise in these matters. It ensures employment to the student on his rn as an expert and Government has the satisfaction of developing a new istry at a small cost. There are estates with considerable fishery industry Orissa. The owner of one estate was thinking of improving this industry. itlemen of this type ought to be induced to help Government in this matter. s procedure will ensure public confidence in the intention of Government, ure employment to the student on his return to India and facilitate dissemination of new information on the subject among the people.

"At page 14 of the budget the allotment under the head of Civil Works ws an increase in the cost of Establishment, whereas there is a decrease the cost of Original Works and Repairs. The total cost of Original Works l Repairs in 1907-08 was Rs. 61,53,592. The revised estimate of 1908-09 es the figures at Rs. 50,14,000 and the estimate for 1909-10 is Rs. 33,13,000. e cost of establishment during these years is Rs. 9,59,300, Rs. 10,20,000 l Rs. 11,61,406, respectively. Is the rise due solely to annual increments the salary of the establishments?

"The note in the remarks column in page 29 of the budget shows that strict Boards did not appropriate grants for primary schools. If this was due the inability of the people to comply with the terms of the grant, it is sirable that the terms should be modified so as to suit the conditions of each trict in consultation with local officials of the Education Department.

"*Famine Relief.*—Famines cannot be altogether prevented, because man annot control the clouds. The rigour of famine distress is felt by the popula- n dependent on agriculture. The population of this class is very large. I lieve about 85 *per cent.* of the population are dependent on their subsistence on the produce of the land. This means that by far the major portion of e population depends for their means of subsistence on the uncertain mercies the clouds above.

"The average cultivator is but a day-labourer. The area of his holding barely sufficient in years of good crops to keep him alive. He has no pital. He is a labourer with this disavantage against him, that while the bourer who works for another gets his wages every day, the cultivator has wait till the harvest for his wages; and when the harvest fails he loses his ages for the whole period of his labour.

"This is exactly the relative position of the two classes. It is a mistake to ppose that the average raiyat's condition is better than that of the day- bourer. It is desirable to relieve the pressure on land; to draft a portion f the cultivating classes to other pursuits of life which ensure a certain ncome. The development of industries is the only means of affecting this. n industry the burden of the loss, if there is any, is thrown on the capitalist; ne workmen are sure of their wages.

"Famines afford a favourable opportunity for drafting a portion of the ultivator class to other pursuits of life. In ordinary times the cultivator will ot change his occupation. His ideas of caste system and his conservative turn f mind are against any change. But in times of adversity, these barriers to hanges lose their strength. In times of famine even the conservatism of caste n matters of food is relaxed.

"Famine-relief labour is sometimes employed in works which are not in demand, whose utility is either doubtful or disproportionate to the money spent n it.

"My humble suggestion is that a portion of the famine-relief fund should e appropriated to teach people who depend on cultivation some handicraft

which will secure to them a certain income as skilled labourers. It will require great tact on the part of those entrusted with the duty to induce the people to such a change, but I have no doubt tact and persuasion will succeed. The success might not be very encouraging at first; but the better condition of a few who adopt the change will be a powerful motive with their neighbours to follow their example.

"If the Government be disposed to adopt the principle and consider it worth their while to have my humble views on the details of the scheme, I shall not only be glad to discuss the details with officials appointed for the work."

The Hon'ble BABU RADHA CHARAN PAL said:—"Your Honour, I must confess that I rise to speak on this occasion with some amount of trepidation. Your Honour's observations on the occasion of the introduction of the Budget are to us both a warning and a signal. I may venture to point out that under the existing system this is the only occasion when the non-official members of your Honour's Council have an opportunity of placing directly before the Head of the Government matters of general administration which deeply concern the people of the province. The proceedings of the Council, as now conducted, afford no scope to members to criticise any especial feature of the administration or to suggest modification in the light of popular views and, so far as this Council is concerned, Government would not only be kept ignorant of the currents which flow through the stream of Indian life but would miss an opportunity of explaining its policy, removing misapprehensions and of answering criticisms—an object which the Imperial Parliament had in view on the occasion of the passing of the Indian Councils Act of 1892. Both the Imperial and Provincial Governments have therefore allowed the requisite latitude of debate on the discussion of the Budget, and on the whole the debate has been more helpful than otherwise.

"If the discussion to-day were to be confined strictly to the Budget I should respectfully invite Your Honour's attention to the fact that the Budget is laid before the Council cut and dry, after it has been sanctioned by the Government of India, and it leaves no room for alteration of grants and no scope for real and useful criticism, inasmuch as all schemes and proposals involving new expenditure are first of all sanctioned and then included in the Budget. To promote useful discussions on the Budget itself, it is necessary that a monthly statement of the progress of expenditure and revenues by minor heads with explanation of increase and decrease under each head as well as an Appropriation Report should be prepared and circulated to the members and they should have an opportunity of scrutinising various proposals for increased expenditure in the light of public utility before inclusion in the Budget. I venture to hope that regulations under the new Council Bill when passed will provide for real and useful discussion of important public questions and greater control over the finances of the country. The time of the Council will not be taken up to discuss the policy of the Administration on the Budget day.

"When the Budget estimate was placed last year before the Council, it was expected to close with a balance of Rs. 13,90,000, which was reduced on revision to Rs. 8,77,900. Not only does this balance disappear in the current Budget, but it shows a deficit of nearly 17 lakhs, which is made good by a corresponding Imperial contribution to secure financial equilibrium. The estimate of receipts under certain heads appears to be rather optimistic; for instance under Stamps the total increase during the last five years commencing from 1904-05 has been 22 lakhs, giving an average increase of about 4½ lakhs a year. The increase of 8 lakhs in 1909-10 over the preceding year seems therefore to be too high. Similarly under Excise the estimate of last year was 175 lakhs, compared with the actual of 171 lakhs of the preceding year. In the revised estimate of the last year, it was reduced to 172 lakhs; but the Budget estimate of the current year is placed as 179 lakhs. This heavy increase of 7 lakhs in the year following one of distress and scarcity seems to be abnormal. Even these optimistic estimates are quite inadequate to keep pace with the growing and insistent demands of the

province, which cannot, I am afraid, be met without substantial Imperial contribution. The public is grateful to Your Honour for the forcible representation made to the Supreme Government on the subject in your last Budget speech.

"The Corporation of Calcutta is deeply grateful to Government for the spontaneous offer to meet the cost of Government audit of Municipal accounts and the contribution to meet the increased cost of fringe-area drainage necessitated by the obstruction to the natural outfall of the city by Circular Canal. I am grateful to Government for making a representation to the Government of India for the investment of the 50 lakhs held in trust for the City Improvement Scheme, as suggested by some non-official Members including the representatives of the Chamber of Commerce and the Trades Association and I regret the Government did not sanction it. I believe I am correct in saying that the money is employed in loan works and that it has reduced the Government loan to that extent. May I hope that 3½ *per cent.* interest be credited to this Fund for the use of the Trust money.

"*Salary of Ministerial Officers.*—I find that the provision for increase of pay of ministerial officers is repeated in this year's Budget. I understand that the scheme has been partially given effect to in anticipation of the orders of the Government of India. The public would be glad to know whether the scale of salaries has been so revised, with special reference to the high and increasing cost of living, as to give substantial relief to a useful and hard-working body of underpaid officers. I venture to express the hope that there will be no longer any delay in giving complete effect to the scheme, and that the Budget provision will be fully utilised during the year.

"*Probationary Deputy and Sub-Deputy Collectors and Assistant Surgeons.*—A provision of Rs. 59,000 has been made for Additional Deputy Collectors for settlement duty. But there is a large and deserving class of Probationary Deputy and Sub-Deputy Collectors, who, I understand, have been in the probationary grade for more than a year, drawing only half the pay of their lowest grades. Probationary officers used formerly to be made sub. *pro tem.* in the lowest grade of the service after six months. The indefinite prolongation of the probationary period has been a source of great hardship, and I venture to express the hope that the provision of Rs. 50,000 will be so utilised as to remove the complaint.

"Our grateful thanks are due to Government for the provision for improving the pay and prospects of Civil Hospital Assistants. In this connection may I inquire whether the Government have come to any decision regarding the pay and prospects of that highly deserving class of public servants—the Civil Hospital Assistant Surgeons, whose petition has been under consideration of Government for more than a year, and to whose grievances I drew the attention of Government last year.

"*Separation of Judicial and Executive functions.*—It was about this time last year that the public were led to expect the introduction of the scheme of the separation of Executive and Judicial functions within the next twelve months. The year has rolled away and we do not find any provision in the present Budget to give effect to the scheme, which, it seems evident, is yet a long way off; and the expectations raised last year are giving place to disappointment. On behalf of my countrymen, I appeal to Your Honour to expedite the introduction of this much-needed reform.

"*Court-fees.*—Last year, I drew the attention of the Government to the anomaly in the imposition of court-fees prevailing in the two Courts of Small Causes, situated on either side of the Circular Road, the fee charged in the one case being 11 *per cent.*, while in the other it is only 7½ *per cent.* on the amount sued. The Hon'ble Mr. Streatfeild stated on behalf of the Government that the matter was receiving consideration and some relief was hoped for. So far as I can gather this anomaly has not yet been removed. May I inquire whether the matter has arrived at the final stage for decision?

"I desire to avail myself of this opportunity to thank Government on behalf of the rate-payers of Calcutta for reducing the cost of appeals in municipal assessments. I prayed on behalf of the Corporation for the total abolition of

[*Babu Radha Charan Pal.*]

the court-fees in Municipal assessment cases, which was in harmony with the practice which prevailed before 1901, but the Government does not propose to finally decide the matter until they have watched the effect of the reduction. I hope that the matter will not be lost sight of.

"*Public Works Department.*—A very large sum of money is annually spent through the agency of Public Works Department, and there seems to be a public impression that there is need for greater scrutiny and control over the expenditure with a view to prevent any possible waste or extravagance. I am sure the Government is alive to this. In this year's Budget I find about 33 lakhs have been provided for original and repair work and nearly 11½ lakhs for establishment. A provision of one-third of the sum allotted to original construction and repairs to meet the cost of establishment charges seems to be too high. I wish it could have been reduced.

"*Police Court.*—Last year I brought to the notice of Government the miserable condition of the Calcutta Police Court Building, consisting of dingy, dark and ill-ventilated rooms, unfit for use as public court rooms; and I suggested that an extension of the building was urgently required. In reply to my suggestion the Hon'ble Mr. Gait said that the estimate of 45 lakhs which had been submitted was too high, and that he could not possibly consider it unless it was reduced to a reasonable figure.

"I quite agree with the Hon'ble Mr. Gait that the estimate of 45 lakhs was out of all proportion to the requirements of the case; but I understand that it included both the police-station and the Police Court. I think the two should be separated. I fail to understand why another storey cannot be erected on the top of the existing building, which, I believe, is not more than 20 years old. The Police Court has no library of reference, and it should be provided with one as soon as possible.

"Since 1904-05 there has been a steady increase in the cost of the Calcutta Police Court, with the exception of a small saving of Rs. 9,000 this year due to change of officers. Formerly, there were only two stipendiary Magistrates, but within the last few years no less than two Magistrates have been added. This increase of expenditure would not have been necessary if the Honorary Presidency Magistrates had been entrusted, as in the past, with the disposal of a larger number of cases. The following figures show how the Honorary Magistrates have been slowly but surely deprived of their privileges:—

	1904.	1905.	1906.	1907.
Stipendiary Magistrates ...	24,936	24,037	28,648	28,436
Honorary Magistrates ...	2,067	1,465	1,320	1,363
Total ...	27,003	25,502	29,968	29,799
Percentage of cases disposed of by Honorary Magistrates on total	7·7	5·8	4·4	4·6

"The Honorary Presidency Magistrates belong to a highly respectable and educated section of the community, both European and Indian, many of them being its honoured leaders. They have discharged their duties with credit to themselves and have earned the approbation of Government. It implies a reflection upon them, if any action on the part of the Government tends to differentiate their position and capacity from those of the Deputy Magistrates.

"*Courts of Law.*—A suggestion was made by me last year for the institution of Honorary Benches in the Small Cause Courts for the disposal of petty Civil suits. But the Hon'ble Mr. Streatfeild stated that the Government was not prepared at that time to express an opinion. I understand that this system is in vogue in some provinces of India and it may be introduced with advantage into Bengal. May I inquire whether the matter has since received the attention of Government and whether any definite pronouncement can shortly be expected?

"The cost of Law Courts has increased by about 9½ lakhs since 1904-05. But I am sorry to say that the facilities to obtain justice are by no means commensurate with the increase of cost. It not infrequently happens that a poor suitor finds it difficult to move the subordinates of the Court without

being subjected to harassment and illegal exactions. This is a growing evil and calls for an early remedy.

"*Education.*—I observe with satisfaction that there has been a steady increase in the educational grant within the last few years, and though it now stands at 55½ lakhs of rupees, it is hardly adequate to meet the educational requirements of the country. The Director of Public Instruction in his last report lamented that, having reached a stage of educational advancement, it became necessary for want of funds to cry a sudden halt. This state of things is greatly to be deplored, and I hope that Your Honour's Government will before long be in a position to make an advance along the path of progress chalked out by the Director. Looking at the figures in the Budget I am struck with the disproportionate expenditure on inspection of schools compared with that on management. While the expenditure on primary and secondary education has increased from Rs. 4,85,000 to Rs. 7,44,000, that is, by 53 *per cent.*, the cost of their inspection has increased from Rs. 2,49,000 to Rs. 7,17,000, that is, nearly three-fold. I hope, as funds permit, this disparity will be set right by the grant of larger funds to be spent on schools.

"I regret that a sum of not more than Rs. 61,000 could be allotted for Technical and Industrial schools. This meagre provision is not worthy of this great Province over which Your Honour rules.

"For years past Hon'ble Members in this Council have been asking for larger and larger funds for the development of Technical and Industrial education, and the whole country expects that the Government should give it a fair start. A great and laudable step was taken by Government in deputing the Hon'ble Mr. Cumming to make a survey of the industrial position and prospects in Bengal. The task was completed in a thorough and masterly manner, and in a spirit of sympathy with our needs and aspirations. But I am sorry to say that while Madras has already got a department of industries and the scheme formulated by Sir John Hewett is complete and awaiting the sanction of the Secretary of State, no provision has been made in our Budget to make a beginning for carrying out Mr. Cumming's recommendations.

"I find that a sum of 5 lakhs has been provided for experimental cultivation, which includes Rs. 75,000 for fittings and appliances of the Sabour Agricultural College. It would be interesting to know what actual expenditure is included in this sum for purely demonstration and experimental work. Agriculture is the most important industry in India, supporting nearly 70 *per cent.* of the people. The bulk of the Indian agriculturists are poor, illiterate, to whom a scientific and technical system of teaching imparted in a single place such as Sabour would not be of much use. What is required is simple and practical lessons in agriculture brought to their doors. For this purpose there should be a large number of travelling instructors who should travel from village to village, teaching the cultivators improved methods of agriculture, distributing select and improved varieties of seeds, teaching the use of manures and selling them at popular prices, organising exhibitions, demonstrating the use of improved agricultural implements, and rendering such assistance to the cultivators as would help to develop their industry. In short, it is necessary to have men trained in the simple principles and practice of agriculture, who will gladly come into contact with the people, and whose pay and prospects must be sufficiently attractive for zealous and efficient work.

"*Inspection of factories—Septic tanks.*—It is necessary to know what sum out of Rs. 50,000 allotted under the head 'Inspector of Factories' represents the cost of inspection of septic tank installations. The contamination of the water of the Hooghly by what is popularly known as liquid sewage is an outrage to the religious sentiments of the Hindu population of the riparian tracts. Since the effluents have been discharged into the Hooghly the health of the population of these tracts has suffered. The Hooghly is the only source of drinking-water supply, not only to the ten millions of the people of Calcutta, but also to the millions inhabiting both sides of the river. Many eminent medical men have expressed great doubts as to the purity of the effluents even after they have been sterilised and filtrated. For instance, Dr. Harrison of Lincoln said:—'A river receiving drainage and effluents from a large town could not with any degree of safety be used for domestic purposes. It is unwise and

dangerous to take water from a source known to be polluted and liable to pollution, and trust to the purifying effects of filtration to render it safe for consumption.' Dr. Cook, the late Health Officer of Calcutta, raised his voice against the contamination of the source of water-supply of this city. The Sanitary Commissioner of Bengal in his report says that the bacteriological examination of several samples of effluents disclosed that they were not absolutely pure. I submit it is the duty of the Government, out of deference to the religious susceptibilities of the people no less than to the interests of sanitation, to prevent the discharge into the sacred waters of the Hooghly, and to devise some means of disposing of the matter either by burning it or by utilising it as manure, or in any other feasible way.

"*Anti-malarial measures.*—A sum of Rs. 10,000 has been provided for anti-malarial measures, which, I presume, arise out of the report of the Drainage Committee appointed by Government in 1906. It will be remembered that the Committee suggested systematic investigation and continuous research in small areas during fever seasons. The inquiry suggested had already been instituted, and I hope the result will be made public at an early date. I may be permitted to state that whatever may be the different causes of malaria, it has been established beyond doubt by the investigation of the Committee that the conditions most favourable to the generation of malaria, are defective drainage, bad drinking supply and the existence of thick jungles and a large number of insanitary tanks and pits impervious to the influence of the sun. In this connection the Committee recommended the creation of a special Engineering Division to prepare projects for the improvement of the drainage conditions of specified areas, where necessary. The public would like to know whether such a division has been created and what steps, if any, have been taken to remove the malarial conditions of our villages. A special grant of 4½ lakhs was generously granted by the Government of India for sanitary improvements last year and renewed for the currrent year. It is not clear from the Financial Statement whether the money was spent for the purpose for which it was especially intended; and whether the whole or any portion of it will be spent during the current year on the above objects.

"*Health Resorts.*—It is not clear from the Budget what sum was spent for improvement work in Frasergunge last year and what is proposed to be spent this year. From the Bengal Administration Report it appears that up to the end of 1907-08, a sum of Rs. 4,55,000 has been spent, and I believe the sum is considerably more if totalled up to date. A vast sum of money has been spent in Frasergunge at a time when the financial condition of the Province was not favourable and the prospect seemed to be far from cheering. Cholera and malaria are not absent from the place, and applications for building sites from European gentlemen have been withdrawn on account of uncertainty of steamer service and their unwillingness to spend the sums fixed by the Board of Revenue for construction of houses. I do not know whether the money spent on this island will be reproductive. Last year, and the year before last, I appealed for the improvement of Diamond Harbour. The Hon'ble Mr. Collin infomed the Council that a scheme for the construction of a dâk bungalow was shortly to be carried out. As yet nothing has been done to carry out the scheme. Diamond Harbour is an excellent place, close to Calcutta, exposed to sea-breezes, free from malaria, and is an excellent place for a sanitarium. When the Magrahat drainage scheme is completed and steps taken to fill up the *dobas* on the sides of the embankments, it will be an idea place for the establishment of a sanitarium, which the Maharajadhiraja of Burdwan has in view.

"*Anarchy and sedition.*—In the year of stress and strain it is a matter of supreme regret to us that anarchy and sedition have cost us nearly seven lakhs last year. That abominable crimes should darken the fair fame of our province, that boys and young men should forget the dictates of humanity and the precepts of religion, is to us a matter of deep and lasting regret and shame. I hope we have turned a corner and that the abnormal expenditure of last year will not be incurred again. But while I express my detestation and abhorrence of these crimes, I should be failing in my duty if I did not submit to Your Honour the prayer of the nation that the over-zealousness of the police

resulting in such lamentable consequences of irritation and ill-feeling and even of oppression and waste of public money, as in the Midnapore case, should be suppressed. While on this subject, on behalf of my countrymen, I crave leave to submit that the gentlemen of our province, now unhappily in detention under an ancient regulation have been known to have lived an unblemished life, and one of them, Babu Kristo Kumar Mitra, the great and venerated Brahmo leader, has been the stern reprover of all outrages, and the prominent advocate of constitutional methods in the discussion of public questions. The deportation of men like him has created a painful impression. The Government must have got some materials upon which they acted, but they are all *ex parte*. My countrymen hope that these materials will be examined by the light of public opinion and that their detention will not be prolonged further on mere *ex parte* and unproved statements.

"I pray Your Honour will take into consideration the case of the two British subjects, who have been living in the territories under Your Honour's sway and make a recommendation for their release, and thereby emphasise the generosity and liberality of the Government in offering concession and conciliation to the subjects of the King-Emperor.

"*Reform scheme.*—Sir, this is the last time that the Budget is discussed in the old Council and under the old regulations. We stand at the threshold of a great constitutional reform which the country has welcomed with gratitude and enthusiasm. The Reform Scheme as originally formulated will stand forth as a great landmark in the history of our progress. If Lord Minto and Lord Morley have been the originators of the scheme, to you, Sir, will belong the unique honour of introducing it and of working it in the most advanced province of the Indian Empire. We in Bengal rejoice that it should be so, for we have keenly watched your career as a member of the Government of India and we have not failed to observe that Your Honour has taken a prominent part in the formulation of the scheme. You have already, with that prescience which charactorises true statesmanship, sounded the note of change which ought to pervade the temper and attitude of the great and historic service to which you belong. As you rightly said 'the spirit of autocracy must give place to the arts of suasion and conciliation in the government of this great province.' Many have been the distinguished members of the service who consecrated their lives for the welfare of the great dependency of the British Empire and it is not too much to expect a chivalrous and large-hearted response from that glorious service. During the short period Sir, for which you have held the helm of affairs, you have given us abundant reasons to hope that the scheme will be worked with sympathy and liberality. May I venture to express the earnest hope that the spirit of conciliation and sympathy which distinguishes Your Honour and His Excellency the Viceroy and the Secretary of State will leaven the temper and attitude of the great official hierarchy, so that in all their dealings they will remember that the Indians, in the expressive words of Lord Morley, are 'the King's equal subjects.'

"*Mr. Sinha's appointment.*—Before I sit down, I cannot refrain from alluding to the appointment of our honourable and distinguished colleague, Mr. Sinha to the high position of Law Member of His Excellency the Viceroy's Council. It is an unique honour, which has evoked a universal chorus of gratitude to His Excellency the Viceroy and to that venerable and broad-hearted statesman at the helm of Indian affairs, who has so steadfastly stood by His Excellency the Viceroy in the period of transition of India. We rejoice that our Magna Charta, the gracious proclamation of our late beloved Queen Victoria the Good, that no subject of the British Crown will be debarred by reason of his race, colour and creed, from holding any high office of trust and responsibility—is vindicated and I beg leave to avail myself of this occasion to offer through you Honour the Nation's most heart-felt and most grateful thanks to His Majesty's Government."

The Hon'ble MR. LARMOUR said:—"Your Honour, I share with others the regret we feel that we are not able to congratulate the Government on a Prosperity Budget. I recognize also the fact that the time is inopportune to ask special favours when every rupee has to be carefully scrutinised before it is spent, and that only what is actually necessary can be provided for in the coming year, and I do most earnestly re-echo the hope expressed by the

Hon'ble Member in charge of the Budget that the troubles we are passing through may be only of a transitory nature, leading in the near future to the possibility of a Budget which shall be more satisfactory, in every respect, to all those who have the best interests of this great province of the Empire sincerely at heart.

"Naturally, Sir, the subject in which we, permanent dwellers in Calcutta, are keenly interested in is the long-looked for Improvement Scheme. To us, who are not behind the scenes, hope was beginning to turn into despair, and it seemed to us that the great project had been indefinitely put on the shelf, but now a faint glimmer of hopeful expectation has arisen from the information conveyed to us by a high authority in another place that the Bill which is to be eventually introduced in this Council is now having the careful attention of the Supreme Council, though our hopes are not unmixed with dismay when we learn that the Bill will contain no less than one hundred and ninety-one clauses. I fear, Sir, that few of us will survive the discussion of such a Bill, and that it will be the privilege of those who come after us to see it become law and to enjoy the blessings of a renovated Calcutta.

"In that new Calcutta and with the advantage of long years of previous experience, I have no doubt that the authority in whose hands it will then rest to regulate such affairs, ample facilities will be afforded and provision made to fight disease in all its forms and to aid the stricken. But for us of the present day the question is of the utmost importance, and it cannot be denied that in the Calcutta of to-day we are not sufficiently prepared or equipped to meet the extraordinary demands which arise from sudden outbreaks of virulent and fatal epidemics. We note with gratitude that liberal grants have been made for Hospitals and Medical work generally, but the test as to the sufficiency of those grants in special cases comes when we are brought face to face with such an epidemic of small-pox as is now raging so violently in Calcutta and claiming so many victims daily. I trust, Sir, I may be pardoned if I take up the time of the Council by referring to this subject which is of the very greatest importance to the community at large, and which I do not approach from any hostile spirit or desire to cavil at what has been done, and done in the face of enormous difficulties. Until very lately the only institution in Calcutta where small-pox patients could be received was the Campbell Hospital. In that Hospital there are, I understand, four hundred and eighty beds. Of these, less than eighty are set apart for small-pox patients, and the resources of the Hospital were strained to their utmost extent. By doubling up two paying patients in one room and by erecting temporary sheds, as many as two hundred patients have been received at one time, but large numbers have had to be refused admission owing to there being no space available for them. Too much cannot be said in praise of the devotion of the Medical and Nursing Staff in their endeavours to alleviate the sufferings of those who have been stricken down by this, the most loathsome disease known to humanity, but their efforts must of necessity be limited, and it is horrible to think of the numbers who have had to suffer and die for want of proper and adequate means of treatment. I plead, Sir, that something material may be done so that the city shall always be prepared to fight this terrible disease effectually. We are told that epidemics occur only at stated periods, some say quinquennially. Late experience teaches us that they must be looked for almost annually. The argument is put forward that any special preparation made for small-pox treatment would be practically useless at other times. But, Sir, for what purpose does a country maintain a standing army? Will a wise Government or a wise General wait until the enemy is at the gates before they organise an army to meet that enemy? With a well-equipped and well-organized army, we are prepared to strike as soon as the enemy shows himself, and small-pox is a terrible enemy to meet. The better prepared we are to meet him the less chance will there be of his doing the awful havoc we read about almost daily. I would ask, Sir, if it could not be arranged to largely increase the permanent accommodation of the Campbell Hospital for small-pox patients and to provide a second permanent (not temporary) small-pox hospital, which would be of easy access to the northern portion of the city.

"In this connection I would draw attention to another serious danger. I know that segregation is not compulsory nor can we compel patients to go

to a hospital. If all did go, moreover, it would be very little use, as there would not be sufficient space to accommodate them in existing circumstances. But, Sir, some effort might be made in this direction if the leaders of the Indian community would exert their influence with the more humble and ignorant among their fellow-countrymen to induce them to take more advantage of the means offered for fighting the disease and preventing its being communicated to others. In my own experience and among my own employees, I have known men attacked with the malady make straight for their native villages rather than go to the hospital, taking with them and disseminating infection wherever they go and in whatever sort of conveyance they may travel. Could not legislation be introduced to prevent people travelling by rail who are known to be suffering from small-pox? Any remedy that may be devised by the Government and any measures which might be introduced to fight this awful malady would, I am sure, be gladly welcomed and meet with the heartfelt gratitude of the whole community."

The Hon'ble BABU DEBA PRASAD SARBADHIKARI said:—"May it please Your Honour—It is a matter of congratulation that some of the questions raised on the occasion of the last Budget debate received kind consideration at the hands of the authorities, and we gratefully recognize, among other things,—that in framing the year's Budget four years' figures have been supplied for comparison; that the educational charges have been shown in greater detail and under intelligible heads (though many more might well have been added); that the long-lost privilege of District Judges to allow casual leave to the subordinate judiciary has been restored; that in separating the judicial cadre of East Bengal from ours, the needs of the services have been to some extent kept in view; that the question of raising the status and pay of our teachers and professors has been taken up in right earnest and is now before the Government of India, that provision has been made for the housing of Indian professors in the Presidency-town, where living is so dear; that a time-limit has been declared regarding the publication of Government educational works which will give some relief to private authors; and last, though not the least, that the official Gazette is to be supplied to non-official Members and possibly in time the Civil List and other official publications may also be supplied. The list might probably be considerably added to if a statement of Budget proposals and the action thereon were circulated, as I ventured to suggest should be done.

"With a downright Adversity Budget, without any margin of expansion except with special Imperial grants, little good would it do to dilate on schemes involving extra expenses, and the only useful function of the Budget critic would be to point to possible retrenchment and re-arrangement. But this is impossible in the absence of detailed departmental budgets, which members interested in particular departments have asked for in vain. The normal function of a rupee now-a-days must be to do the work of two, and without necessary details to work on in time, the lay financier must hesitate to rush in where life-long experts fear to tread. One cannot help remarking on the gloomy pall of an Imperial deficit overcasting Provincial resources, which require special augmenting and strengthening from year to year under the exigencies of a cast-iron Settlement System. Those however, that have the not ill founded impression that careful handling of the Provincial finances can to a certain extent and for the time being avert and counterbalance the effects of Imperial adversity, may be pardoned for asking, without quoting Madras precedents, if in the near past Provincial control and manipulation of finances have been uniformly on the right lines, and if so, why there has been this steady deterioration of the balance, though many of the causes so lucidly detailed by the Hon'ble the Financial Secretary on Friday before last are not of five years' standing. The earmarked fifty lakhs of rupees, which was trust money and should have been laid out on interest—the sanction of the Government of India would not have been wanting in better years and with the amount intact—was unwarrantably treated as part of the supposed-to-be-available cash balance, and in time the usual forgetfulness was induced and a part of the Trust money was swept away along with the real balance—even to the extent of the minimum working balance

insisted on by the Secretary of State. It is not a cheery state of things to have been able to make the two ends barely meet out of a grudging Imperial dole in times of its own adversity, and gratitude for such relief has been properly expressed in this Council, and in the Imperial Council. Little sorrow and less surprise must be felt if for the time being we have lost caste in the Supreme Secretariat, for Provincial finances can hardly prosper during persistently successive 'one foot on the road and one foot on the chariot' *régimes*, that were commented on during the last Budget debate. We rejoice, Sir, that our kaleidoscopic Revenue administration is to be at an end for at least five years, and that the loose screws here, as everywhere else, will be tightened, under a policy of continuity, and that a firm and capable financial handling is to characterise the administration of Bengal, with one at the head of its affairs who knows Bengal and Bengal finances as thoroughly as he knows the finances of India and who has a due appreciation of all larger aspects. This is specially fortunate in view of the approaching Provincial Settlement when we hope to get back our own, and one is almost thankful that the Settlement is not immediately to be revised during a period of stress and strain, and with the memory of our financial feats still fresh in the Indian Secretariat. The cause of Bengal was powerfully and effectively pleaded in the Imperial Council, for which our thanks are due to Your Honour and the Hon'ble Mr. Slacke, and we hope to have better times when we have a rationally and sympathetically revised Settlement.

"The gloomy outlook all round, financial as well as political, very materially affects the interests of education. By the criminal folly of a few, which the community denounces and deplores, the cause of education, the sole salvation of our country, has been put back by many a year. And the difficulties have been seriously augmented by crippled Government resources. We gratefully recognise our rapid educational advance during the last five years, and we hope that when the clouds roll by and during the next five years, there will be still more marked advance, in spite of the prevailing gloom. But the advance by 95 *per cent.* which has brought up the total to no more than 55½ lakhs to meet the needs of a continent, is only an index of the apathy of those in authority during the years preceding the last five years, and marks the beginning of a new sympathetic era, for inauguration of which all honour is due to Sir Andrew Fraser, and which will be brighter and more fruitful under Your Honour's fostering care, that was watchful even when Your Honour was Finance Member. Let us hope, Sir, that under the new scheme now under the consideration of the Government of India, it will be possible to translate to their proper sphere of work, eminent and capable educationists who have received their training in England, who are doing their work thoroughly and worthily, and some of whose names are household words in the Educational and Scientific world. This would be a bare act of justice—a great encouragement to good and sound work, and would also be instrumental in giving appreciable relief to the worthy and hardworked Subordinate Service, whose claims and cause I have placed before Your Honour's Government through the Hon'ble the Judicial and General Secretary, and with the details of which representation I shall not burden the Budget debate, as I felt it my duty to do last year. Provisions have no doubt been made for strengthening the staffs of Government colleges; but if the realities of the situation are to be faced, much larger grants would be necessary to bring our colleges up to the proper University standard. How exacting that standard is and has to be under the law is well known to all; and if things are not yet quite correct in Government colleges, how can better or even as good things be expected in our private colleges with their slender and precarious means? Musalman, Hindu and European Senators whom I have consulted all earnestly urge larger expenditure. We are supremely grateful to you, Sir, for appreciating the real state of our private colleges which Your Honour referred to with such effect in the Supreme Council the other day and I trust that means will soon be placed at your Honour's disposal for affording them the necessary relief, without which the very existence of some of them will be impossible. Some of our Government colleges are so manned that in the case of the Sanskrit College affiliation in M. A. for Sanskrit had to be withdrawn and no affiliation in History was possible in Patna, and the courses

[*Babu Deba Prasad Sarbadhikari.*]

of studies in many another college had to be cramped and curtailed. The Madrassa affairs, again, are in a deplorable condition, as the Vice-Chancellor had occasion to point out in his last Convocation address. The grants that Your Honour has been good enough to provide in the case of the Sanskrit College and the Madrassa may bring them some relief for the time being, but the larger questions have soon to be taken up. Regarding the Presidency College, the idea of removing which has been definitely abandoned, the improvement *in situ* must be on a much larger scale, for any real good, and though the buildings cannot be immediately undertaken, as your Honour stated the other day, acquisition of more land ought not to be deferred, for land will become more and more valuable every day. If the Ranchi scheme, now indefinitely postponed, be finally abandoned, may not the Presidency College hope to benefit by the reversion of the munificence of the Maharajadhiraja of Burdwan who takes such warm interest in all public matters? In this connection I would invite Your Honour's attention to the suggestion of some eminent educationists to convert the Presidency College into a self-contained and self-governing Corporation, which may be well supplemented by the Hooghly College, within such easy reach of Calcutta. If this is done, a considerable portion of the Mooshin Fund would be free for concentration on the bettering of Arabic and Persian education in some given centre and greater attention may also be paid to *maktabs*. Creation of similar Corporations would be possible in the near future in the case of the Medical College and the Civil Engineering College, as it will soon be an accomplished fact in the case of the proposed University Law College. The Law College grant, by the way, is far too small for good work, and I hope the matter will be reconsidered in better years, and some assistance to deserving private Law Colleges will also be vouchsafed. Those Corporations, when in full working order, would relieve the Government of much of the anxiety, though not of pecuniary responsibility in regard to higher education, and would enable the Government to cope more effectively with Primary and Secondary Education, or rather Secondary and Primary Education, to quote Mr. Küchler's order of precedence with which I am inclined to agree.

"Speaking of the Engineering College, there is a volume of opinion against its removal from the neighbourhood of Calcutta. Sir Oliver Lodge has been telling an appreciative audience of late that an Industrial and Scientific University cannot afford to be far away from factory chimneys; and though it may be too late to cancel the Ranchi Removal Scheme, against which some experts have always held, it is to be hoped that some Government Technical Institute will be maintained in the neighbourhood of our docks and mills and factories and our Electric installations somewhat on the lines of the model institutions that I tried to indicate last year. The National Council of Education and the Bengal Technical Institute, which are manfully exerting themselves amidst gathering gloom, have an important and assured place in our technological education, particularly if they can come together, and are doing useful work in this direction, and it is a matter of congratulation to those interested in their work that the maintenance of strict discipline on absolutely educational lines is firmly insisted on in these struggling institutions.

"The provision for training of teachers and *gurus*, which is fairly large, is a work in the right direction. Some provision has also been made for training of female teachers, which will demand expansion in the immediate future, as ardent and capable educationists like Mrs. P. K. Ray and Miss Dass, who have studied the subject here and in England, assure us with emphasis. So long as our means are strictly limited, teaching and turning out of capable teachers must be the bulk of our work in the domain of Primary Education, and, wherever we can afford it, these teachers ought to be better paid than they are at present. Building of guru-training schools, which somehow got shunted last year and for which provision has this year been made, is therefore a profitable investment, especially as we recognise that Primary Education on the extensive scale demanded by some cannot be undertaken for a long while to come. Why however 'buildings' come under the heading 'Education,' passes many of our comprehension, but that is a matter which I shall not now attempt to discuss. Filtration downwards which is the only feasible course

under the circumstances will be possible and easy if we can get well-trained and capable teachers in abundance who, because of their training, will make teaching their life's work, and the University has recognised this by instituting a degree in teaching which is unfortunately not yet very largely sought for. The education of our females is the only domain of education in which, according to Mr Orange, money trouble is not a difficulty, and I trust that at least in this direction our progress in the near future will be marked, though our resources are small.

"In the important matter of training up of teachers, the contributions of the National Council of Education and the newly-started Frœbel Society are likely to be useful, and when, between the exertions of these private agencies and the University and the Government a fair supply of qualified teachers, whose continuous services can be had on reasonable terms, is ensured, the expansion of our educational work, especially secondary and primary, will be practically assured. In connection with the work of training, I find a grant for training of pleaders in survey work. Useful and important as that work undoubtedly is for facilitating partition proceedings, I hardly think that these charges should come under the heading 'Educational'; and I may be permitted to express a doubt as to whether under the new condition of things the Pleadership Examination, if it is to be continued on the present lines, had not best go to the Education Department under some control by the University. Speaking of Law Examinations, there is no apparent provision in the Budget for Law Scholarships in places like Cuttack, where Law classes have been abolished, the establishment of which scholarships has practically been promised as essential in the interest of the Law students of the affected localities, as well as for the success of the proposed Law College. I fully sympathise with the Hon'ble Mr. Dass in his appeal for larger educational grants for Orissa, and I hope that expansion will soon be possible. I regret to notice the omission of any provision for assisting deserving private Arts Schools, whose good work by way of supplementing the work of the Government School of Arts has been recognised, and whose struggles cannot last much longer unless substantial help, either from the Government or the public, be immediately forthcoming. Though the public may not be doing all that it could or should for educational advancement, it is interesting to note in Mr. Orange's recent report that out of 559 lakhs spent in British India on education in 1907, of which Government has information, only 296 lakhs were spent by the Government; and out of 401 lakhs similarly spent in 1902, Government spent 177 lakhs. The list of private educational endeavours here indicated is of course by no means complete.

"I shall now shortly refer once more to the disproportionate character of directing and inspecting charges to which reference has been incidentally made by the Hon'ble Babu Radha Charan Pal. The directing charges have risen from 68 thousand rupees in 1902 to a lakh and 12 thousand in 1909, and the inspection charges from 2 lakhs 60 thousand to 7 lakhs 18 thousand. Whatever the numerical strength of the inspecting agency may be—and some increase was no doubt necessary on account of the increase in the number of institutions affected—its efficiency compared to the older standard is seriously questioned by some who have the advantage of knowing both the standards. There is a growing feeling that the costs of inspection have been needlessly added to by duplication and by introduction of less efficient and more expensive elements for doing work which the more experienced and efficient and less costly units were so long doing quite satisfactorily; and that the latter still continues and must continue to do the real work, while the former merely helps in augmenting the costs. This feeling may not be entirely well grounded, but it is impossible not to think that we should be very much better off for more teachers and professors and better teachers and professors than for increase of the inspecting agency without appreciable increase in the inspectable commodity. The directing agency which has doubled in cost during the period I am speaking of, affects colleges and schools as well, but the inspecting agency, the cost of which has trebled, affects only the schools. And yet, in spite of increased expenditure, 'reports with regard to the quality of the men recruited as Sub Inspectors are unfavourable, and doubt is thrown on the suitability of the present Deputy Inspectors

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for the responsible charge of the education of the district,' which probably betokens demands for more expenditure in this direction.

"The amounts affected by Inspection are as follows:—

(*a*)	Government Schools—General	...	...	...	12·89
(*b*)	Ditto Special	...	...	...	10·01
			Total	...	22·90

To control the work thus represented costs us 7 lakhs 18 thousand, *plus*, let us say, half the directing charges, or a sum of 66 thousand, which gives a total in round numbers of nearly eight lakhs, or, in other words, inspection costs about one-third of what teaching costs. I am willing to include in the latter item the grants-in-aid amounting to 11 lakhs, and even the grant in scholarships amounting to a lakh and 85 thousand, for a portion of the inspection works lies in this direction, which would bring up the figure to 35 lakhs and 75 thousand of which the Hon'ble Babu Radha Charan Pal does not take note. Even this makes the inspecting charges disproportionately large, and I have heard of instances in which the cost of travelling of the Inspectresses of Schools came up to many times the paltry grant made to an out-of-the-way girls' school, which the mere man of an Inspector might have comfortably taken in the course of his usual round without serious jeopardy to any interests. In Bengal there are 390 High Schools inspected by 12 Inspectors, giving an average of 32 schools to each Inspector in six Divisions. The sanctioned number of Inspectresses is two and the number of Inspectors is twelve for the six Divisions and one for European Schools, besides a number of Subordinate Inspectors and Inspectresses, which agency has a marked tendency to grow. An experienced European Inspector, however, writes:—

'Another clerk on Rs. 30 a month will greatly add to the working capacity and efficiency of Deputy Inspectors, and would be more beneficent to inspection work than an Additional Deputy Inspector, for what interferes with the proper discharge of their duties is the growing administrative work and *not the growth of schools*.'

"I do plead, therefore, that so long as our resources are not limitless, we should apply more to the work proper than to supervision, which is not unoften more fanciful than needful. And I would once again urge on the necessity of continuity in our professorial work, which often suffers by drafting of Inspectors from its ranks. So long as our resources are limited, by careful re-arrangement and anxious reorganization alone can the money's worth be fully secured, and this I hope will engage the attention of the Educational authorities in the near future. Unless some of the grants are immediately increased and new grants are made, some of our schools and colleges will be absolutely crippled and cease to exist, for the University regulations are inexorable. As Your Honour very forcefully pointed out the other day in the Supreme Council, we are insisting upon that in the case of private schools and colleges which the Government finds it difficult to provide in its own institutions. Our teachers and professors can for a while be trusted to do their work without overinspection, and let us not come to a stage when the Inspecting Agency will flourish in its glory and the inspectable institutions will be gradually attaining the vanishing point.

"As time will not allow a detailed examination of many other important subjects which might well claim our attention, I shall merely indicate very shortly some of the more pressing ones:—

(1) The grant for *anti*-malarial operations and jungle clearing, for which His Highness the Hon'ble the Nawab Bahadur of Murshidabad pleaded so hard, is far too small.

(2) Grants for improvement of the Puri drainage and Puri Water-works last year are insufficient. Sanitation of important places of pilgrimage and health resorts like this and of sanitaria like Madhupur and Baidyanath ought to be a matter of Government concern. In the latter connection I would once more press upon the attention of Government whether the question of the Sonthal Parganas ceasing to be non-regulation districts ought not to be soon taken up.

"Speaking of matters connected with Orissa, in which I presume to take a good deal of interest even in the presence of the Hon'ble Member for Orissa, I may be permitted to remind Your Honour that the building of the Cuttack Courts, which, as Your Honour has seen, are in a perfectly miserable condition, should be taken up as soon as possible.

(3) The question of re-organization and strengthening of the ministerial department of the Original Side of the High Court is a pressing one. I do not know whether this will come into the larger question of ministerial re-organization for which budget provision has been made, and if not, the revision of the Original Side establishment cannot be further deferred.

(4) The Begua Hanna embankment and the Tolly's nala improvement questions, which have been indefinitely put off, ought to be brought to the fore without delay.

(5) The increase in the pay of the Advocate-General, which was largely due, I believe, to the work of the Eastern Bengal Government, ought not to be wholly or even largely borne by this Government. I desire to associate myself with every word that the Hon'ble Babu Radha Charan Pal has said about the appointment of our hon'ble colleague Mr S. P. Sinha to the high office of Law Member.

"I trust that the Government will not seriously think of renewing the experiment of bringing out an Advocate-General from England, to which reference has been made by the Hon'ble Mr. Madhu Sudan Das. I would remind the Government of the failure of such an experiment in Madras many years ago. Nor is it likely of course that the Madras experiment of appointing a Vakil as Advocate-General will soon find official favour in this country.

(6) There is no apparent provision for the separation of Judicial and Executive Services, though some provision has been made regarding the Council Reform Scheme, in connection with which it is to be hoped that better facilities will be afforded to non-official members.

(7) Necessity of bettering our Subordinate Judicial Service by providing a Munsif's grade on Rs. 500 on the lines adopted in Eastern Bengal and by allowing officiating periods to count towards pension, which is now being allowed, I believe, even in Burma. Detailed enumeration of various questions affecting this service will take up a long time and may be considered out of place in this Council, and I have addressed the Hon'ble the Judicial Secretary separately on the subject, setting forth various aspects which, I hope, will receive attention in due time.

(8) Provision ought to be made for restoring the old scale of travelling allowance to our Sub-Deputy Collectors. I believe the Government of India allowed in 1907 an increased halting allowance at the rate of Rs. 3 a day, which the officers concerned were allowed to draw for four or five months, after which it was unaccountably reduced. These officers have to keep conveyances and more than one establishment and have to do much by the way of keeping up *prestige* which even better-paid officers can ill afford to do. As it is they cannot make the two ends meet on their meagre pay, and the restoration of the increased halting allowance is the least that can be done to give them relief in these hard times.

(9) The bettering of the status of our Assistant Surgeons is no less needed than that of Civil Hospital Assistants that has been considerately provided for this year, and some hopes were held out last year for their betterment which have not been realized. In this connection I would repeat my last year's suggestion that non-official medical talent may well be availed of, at least in connection with some of the excellent cottage hospitals which Your Honour opened the other day.

(10) A portion of the property escheated to Government, which represents the earnings of unfortunates, ought to be devoted to the maintenance of Refuge Homes, which would be a great help to the Purity movement. Private and Missionary help would be forthcoming if the matter is taken up.

(11) In a recent resolution in the Calcutta Gazette we find that the *Golden Crown* is a small and ancient type of trawler, and is by no means adequate for the work she has to perform, *viz.*, the exploitation of the Bay. The vessel was purchased last year before the Budget came up for consideration,

[*Babu Deba Prasad Sarbadhikari; Babu Gajadhar Prasad.*]

and opposition to this excellent investment was withdrawn because it was pointed out that the purchase was already an accomplished fact and because great things were predicted. The extract from the resolution I have just read is a notable commentary on the situation, to which I have no desire to add. But unless it be quite clear that the concern can be run, either by the Government or even a private agency, on a strictly business-like basis with success, it is questionable whether the Budget allowance of this year would lead to any useful purpose, whether from a scientific or economic point of view.

(12) The Vice-Chancellor and his colleagues on the Syndicate are grateful to the Hon'ble the Home Member for more than once appreciatively referring to their difficult work, and we are also thankful that the Imperial Government has been able to make a small University grant. But the University stands in immediate need of help, both from Your Honour's Government and the Government of India, for acquiring the fish-market to the south of the Senate House, the existence of which forbade a late Vice-Chancellor's holding Saturday meetings in hot weather. It is not from the point of view of personal comfort or even sanitary consideration that the acquisition is needed. Sooner or later we must have this land, and later on we shall have to pay a good deal more. In the present state of financial difficulty a secured loan on a proper basis is the only solution, and I trust it will be possible to put it through before long.

"Important questions arise in connection with Excise Administration and the Municipal Administration of Calcutta. I shall not refer to these matters, as legislation is pending in connection with the former and legislation may soon be looked forward to in connection with the latter, on lines indicated by the Report of the Decentralization Commission, which we gratefully recognise are in accordance with Your Honour's own long-cherished views and to which effect is soon likely to be given. One of the incidental matters which engaged the attention of that Commission was the relationship between officials and non officials in this country, for the Commission rightly considered that the excellence of such relations is one of the best assets of the Government. Those relations will assuredly be of the best during a *régime* inaugurated by the statesmanlike utterances that we had the honour and pleasure of listening to in this Chamber on the first day that Your Honour took your seat. Sincere and unstinted cordiality of the kind manifest on the Belvedere lawn, not many days ago, when junior University men were Your Honour's delighted guests, is never thrown away on a people proverbially thankful for the smallest of small mercies, and the regrettable episodes of the last twelve months, which were dimly foreseen when we were discussing our last Budget, will soon, let us hope, be things veritably and eternally of the past. Your Honour will soon be visiting a field of your early labours—Purulia; that, Sir, is a field where the foundation of your great and illustrious career was laid, truly broad-based upon the goodwill of a grateful people; for there under the sombre shadows around *Saheb Band*, Your Honour gave some of the first indications of life-long goodwill towards the people eventually entrusted to your care and guidance, when freely and without restraint you allowed your heartfelt and heart-winning sympathy to flow towards those that ordinarily would be nothing and nobodies to a powerful District Officer in their great and abiding grief. The memory of such striking co-mingling of feelings is bound to be ever dear and green in the hearts of all that know or hear."

The Hon'ble Babu Gajadhar Prasad said:—"A year of a famine cannot be a year of 'Prosperity Budget.' The budget is, it must be admitted, characterised by exceptional clearness and lucidity, upon which I must congratulate the Financial Secretary. It is no easy task to prepare a budget when there is an increase of expenditure accompanied by a reduction of income. However, as matters stand, we must see how the money at the disposal of our Government can be best used

"I cannot help expressing my sincere gratification at the increase in the expenditure on education. Within the last few years there has been a marked increment under this head, and this is wholly justifiable; indeed, I may go so

far as to say that this is yet inadequate. Education needs much more than the sum which has been allotted to it. In this connection, I deem it my duty to speak a word or two about the grants-in-aid given by Government to the private colleges in Bihar. The existence of these colleges is essentially necessary to the education of the people of the province. Bihar, I understand, gets only Rs. 2,300 a year. What Bengal gets is hardly adequate to her needs; but what Bihar gets is utterly insufficient. Circumstances compel me to renew my appeal to your Honour's Government on behalf of the private colleges in Bihar. Bihar is doubtless a backward province, and it certainly deserves support from Government and sympathy from advanced Bengal. The Bihar National College deserves special consideration. Doctors P. K. Ray and P. Brühl say regarding this institution, in their inspection report, dated 14th November 1908 '.....there is great need of the college in Bankipore. The Government College alone cannot meet the demand for higher education there.....The college has, at present, a Government grant of Rs 200 per month. This is quite inadequate.' Mr. Earle, the Commissioner of Patna, has also strongly recommended an increase of the grant to this institution. I hope your Honour's Government will increase the grant. The Patna College is the only Government College in Bihar and Biharis expect that it will be affiliated up to the M. A. Standard in every subject as soon as practicable.

"*Anarchism and State Prosecutions.*—There is one item of expenditure, the necessity for which we all deeply deplore: I mean the expenditure on State prosecutions. Here the innocent and the guilty have been placed under the same category; both equally suffer for the fault of only the latter. But I do not know how it can be easily avoided. The people should co-operate with the Government in suppressing anarchism, which is fatal to all peace and prosperity in the country. Our countrymen will not, I hope, forget the lesson which this year's budget teaches them. The crime of anarchism must be rooted out in the best way possible.

"*Agricultural and Famine.*—I have to draw the special attention of your Honour's Government to the agricultural needs of the province under your Honour's charge. India was known to be the granary of the East, and Bengal was said to be the granary of India. But what is the fact to-day? Famine reigns rampant, and lakhs of people of our part of the country do not know what it is to have two meals a day. Everywhere we hear complaints of drought. Everywhere we see barren fields and ruined crops. Agriculture was the main source of our prosperity. If agriculture fails, all other avocations are directly or indirectly, but seriously, affected, and the Hon'ble the Financial Secretary is right when he says that the revenues of Government have been affected by the rise in the price of staple food-crops. No pains should be spared to make agriculture highly attractive. We are much obliged to Government for the establishment of the Agricultural College in our midst. The agricultural associations are useful institutions. But that is not enough to prevent famine. The most important question is—How should drought or the effect of drought be avoided? The effects of drought may be avoided by (*a*) a system of canal irrigation, (*b*) by a system of well irrigation. And drought may be prevented by (1) the preservation of forests, and (2) the planting of trees. The system of canal irrigation has already proved useful. It is certainly not unsuited to our soil and our climate. And what is more, the recent Revenue Report of the Public Works Department (Irrigation Branch) amply shows that it is not a losing concern. I do not hesitate therefore to plead for its extension. If this system of irrigation is extended, it will help the agriculturists to a great extent and will not be a burden to the financial resources of Government. Much of the unrest prevailing in the country would doubtless disappear if the agricultural condition of the country were considerably improved. As regards well irrigation, I have sometimes had to speak from my seat in this Council, but I venture again to commend it to your Honour's Government. With the help of water-lifting machines, well water can be very well utilised for irrigation purposes, and I feel sure Government will not be a loser. The next point to which I have to draw the attention of your Honour's Government is the planting of trees and the preservation of forests. It is, I believe, a

settled theory that the preservation of forests helps the rains. The failure of rains has much to do with the failure of crops. It seems necessary, therefore, to preserve the forests. The planting of trees, I respectfully submit, is necessitated by the circumstances of the present day. Many forests have been cut. In order to make up what we have lost, trees should be planted. Mr. J. H. Lea, our popular Collector of Patna, proposed in a speech which he delivered at Patna, that the 'Arbour Day' might be celebrated in India. I fully agree with him.

"There have been numerous complaints by many Indian thinkers regarding the use which is made of the Road-cess Fund and the Public Works Cess Fund. It is urged that these ought not to have been levied at all; these have been levied against the spirit of the Permanent Settlement; and now that they have been levied they ought to be applied to the removal of the needs of the landlord and the tenant. But be that as it may, I am humbly of opinion that a considerable portion of these Funds may reasonably be used for help to the agriculturists in irrigation matters. There are several District Board roads, which have to cross rivulets and have large bridges over them. Is it impracticable to have shutters in these bridges and thus to utilise these natural water-channels for irrigation purposes? All new bridges may have shutters, and the rivulets may, to some extent, serve the purposes of reservoirs and canals. Is it not also possible to use the Famine Relief Funds for helping irrigation? Is there any harm if irrigation works in place of roads are undertaken as relief-works, whenever there be any necessity for such relief? I beg respectfully to make these suggestions for your Honour's consideration. I may here note, it is not possible for an ordinary zamindar to establish any such irrigation system in his zamindari.

"*Excise Bill.*—The Excise Bill is pending before the Council. I am glad to be able to congratulate your Honour's Government upon the Bill which has been framed and introduced. Government has in this Bill recognised to some extent the well-known principle that in all matters relating to excise the voice of the people should always be respected. But the Bill does not go far enough in this direction. The 'Local Option' principle is one which deserves your Honour's consideration. The voice of the people should always be allowed to prevail in the matter of the location of shops. We are grateful to your Honour for the circular your Honour has issued, recognising such a principle.

"*Jail.*—The treatment of Hindu under-trial prisoners is, I humbly submit not quite satisfactory. They are provided with iron plates for taking their meals. I suggest that they may be given brass plates instead of iron ones. I think the difference in the cost will not be high. Hindus and Muhammadans may be separately seated at dinner times. A Brahmin prisoner or a Brahmin cook may be appointed to cook their food: the arrangement can be easily made, and I hope the Government will not fail to do it.

"*Reform Scheme.*—The Reform Scheme is, no doubt, an Imperial scheme, but your Honour's Government is so much concerned with it and your Honour has shown so much sympathy for it that I cannot resist the temptation of speaking a little about it. It is an unfortunate circumstance that there has been a strong opposition in England to the inclusion of clause 3 in the Bill. The Bill would lose much of its value if this clause were omitted therefrom. But we all fervently hope that Government will steadily and sympathetically work for the speedy introduction of the proposed reforms and will not allow the progress of the reforms to be hampered by the anarchical crimes of some foolish misguided youths who have adopted an attitude which is undoubtedly detrimental to the best interests of our motherland. All the leading men of our society should strive their best for the boycotting of all such men as have or as may be proved to have the least connection with any such revolutionary movement. It is a duty which we owe to ourselves, to our country, as also to the youngsters concerned.

"I believe I express the Bihar public opinion when I say that Bihar is very much indebted to Your Honour for the promptitude with which Your Honour's Government met the demand for a Lectureship in History at the Patna College. That Your Honour's Government has in spite of all financial difficulties

[*Babu Gajadhar Prasad; Maharajadhiraja Bahadur of Burdwan; Rai Kishori Lal Goswami Bahadur.*]

been able to set apart a considerable sum of money for the establishment of a Law College at Patna, bears testimony to the interest which Your Honour's Government takes in the welfare of the Biharis. The abolition of the Audit fee and the Banking fee will be a great help to all local self-governing bodies and we are deeply grateful to Government for it. Your Honour's Budget speech in the Viceregal Council amply evidences your paternal care for the people committed to your charge. Your anxiety to satisfy the local needs of the people has raised high hopes in their minds and has already endeared you to them."

The Hon'ble MAHARAJADHIRAJA BAHADUR OF BURDWAN said:—"Your Honour, our funds are so limited, that I really hardly need to take up the time of the Council on any point in the Budget that was introduced not so very long ago by my hon'ble friend, the Financial Secretary.

"My first duty is a pleasant one, and that is to thank the Government for providing the sum of Rs. 40,000 for the Burdwan Central Hospital. It is an institution, Sir, that has been badly needed, and to me, personally, it is a matter of gratification to know that the scheme I launched about two years ago has begun to bear fruit, and that before very long we may hope to be able to boast that we have one of the best mufassal hospitals in Bengal.

"I now turn to a more important question, that of the Ranchi College Scheme. Knowing fully the financial difficulties that we are in at present, I cannot very well ask Your Honour's Government to provide for the carrying out of the Ranchi College in the immediate future, but that is no reason for thinking of abandoning the scheme altogether. The scheme, Sir, I may assure Your Honour, has the fullest sympathy of many people in Bengal, and who, I may say, have felt keenly disappointed that first of all the scheme should be discarded for a long time in the Secretariat of the India Government, and when it does receive the sanction of the Secretary of State in a modified form, and the India Government, it should have to be indefinitely postponed owing to the shortness of money. I only mention the Ranchi College Scheme, Sir, for Your Honour's consideration, and may, I hope, Sir, on behalf of my friends who are interested in this scheme and my humble self, that if the Government of India is able to make a further grant to the Bengal Government, that the Ranchi College Scheme will not be lost sight of.

"I now turn, Sir, to the provision made for the Fishery inquiries in Bengal. While fully concurring with my hon'ble friend, the Financial Secretary, that, later on, the Fishery inquiries ought to be taken up by private enterprise, I trust that the Government will be able to demonstrate to the public more fully in the future the results of the Fishery inquiries in Bengal, and convince the public of the useful utility of the large amount of public money being spent on this purpose. Being a member of the Committee of the Fishery Board, I have just come across some rules that have been framed and circulated amongst the members of the Committee, that tend to show that, for the improvement of the breed of fish in Bengal, there is a liklihood of an encroachment upon private fishery rights. If it is desirable to make pisciculture a popular industry, Sir, in Bengal, I trust Government will look into this matter carefully, and see that unnecessary official interference is not allowed over private fishery rights. With these few remarks, Sir, I have pleasure in supporting the Budget as it now stands."

The Hon'ble RAI KISHORI LAL GOSWAMI BAHADUR said:—"Your Honour.—The canons of debate over the Financial Statement which Your Honour, as President of this Council, laid down at our last sitting, and to which we all must respectfully submit, have considerably restricted the scope of discussion over the Financial Statement for the year that has just set in—a statement in which, with arduous care, the Hon'ble the Financial Secretary has managed to make the two ends meet. In a year of such exceptional financial stress, it will be futile to discuss important schemes or any ambitious drogramme of capital expenditure which a progressive administration would pemand. I shall therefore be brief and confine my observations to what strictly comes within the four corners of the statement, so lucidly placed

before us by the Hon'ble the Financial Secretary. I must, however, frankly confess at the outset to a slight sense of disappointment at the restraint imposed on the Budget debate, in that it has deprived the non-official members of an opportunity to present before Your Honour, in such methodical forms as each one is capable of, their criticisms on the administration of this Province, and to listen to such explanations as the official members might choose to offer in order to remove misconceptions or throw light on such administrative questions as are misunderstood or are not clear to public minds. I have advisedly used the word 'slight' in view of the increased facilities for effective debate and discussion in connection with the Financial Statement which form an important feature of the reformed proposals, enunciated and discussed in the Government of India's despatch to Lord Morley, dated the 1st October, 1908, and published in the Blue Books on the subject—facilities, which God-willing, will be available to the Hon'ble Members when the next Provincial Budget will be introduced in the enlarged Council.

"We are grateful to the Hon'ble the Financial Secretary for the fuller information contained in his Financial Statement which has helped a better comprehension of several important items of expenditure. While presenting the Financial Statement at the last meeting of this Council, he alluded to the new features in his statement, and I therefore shall not repeat them. I, however, humbly believe that there still remains much to be desired in the way of elucidation of the Budget figures. I shall briefly submit my views to show in what respects still fuller information will prove of great assistance to the non-official members in understanding the expenditure side of the statement With Your Honour's leave I shall repeat what I said last year on this point. 'A fuller and more specific information is needed to explain for what specific purposes the grants for Civil Works in charge of the Civil Officers and of the Public Works Department and for the larger items of non-recurring charges will be spent. The present Financial Statement, like those that have preceded it, omits to furnish sufficient clue by which the non-official members and the outside public can find out to what extent allotments made for useful public purposes in a year have not been wholly or partially utilised in the year, together with such explanations as would be deemed necessary, showing particularly how far the unexecuted portions of the works are covered by re-grants in the succeeding year.' Then again, I say, without meaning the slightest disrespect, there is an absence of method in the selection of the items of expenditure under the head 'Civil Works.' Referring to the detailed remarks on the Budget of the Hon'ble the Financial Secretary (paragraph 59), I find some building works or other works of like character in connection with Law Courts, Jails, Arts and other Colleges, Medical Institutions and Police are included under 'Civil Works'; while, on the other hand, charges for similar works are also included in other heads of expenditure. A scrutiny of the expenditure under the heads of 'Police' and 'Education' will make this point clear. In the former, Sir, there is not a single item of expenditure on account of building works of any kind for the accommodation of the Police or for Police Training Schools or for some other purpose connected with the Police force. Under the head 'Education' I find, that under sub-head 'Government Colleges,' a portion of the item of expenditure for Arts Colleges for boys represents provision for improvements of the Presidency College, Rs. 4,000 and Rs. 9,000, respectively, have been allotted for the improvements of the Sanskrit College and the Calcutta Madrassa—by these improvements, I presume, additions to the College buildings are meant (of course I speak subject to correction)—and Rs. 2,00,000 for Guru-training School buildings, besides, such portions of the expenditure under grants in-aid as represent charges for school buildings. These should properly and consistently come under Civil Works, either in charge of Public Works Department or Civil Department. This anomaly must necessarily vitiate the calculation of percentages and amounts of increased expenditure under Police and Education as made by the Hon'ble the Financial Secretary at the time of the presentation of the Financial Statement. The Hon'ble the Financial Secretary has, in forcible language and with great earnestness, pointed to us the necessity for the exercise

of caution and economy in the present state of the finance of the Province. It is hardly possible for the non-official members to submit proposals for retrenchment or economy, if they are not fully cognisant of the internal details of all new projects which of course will be initiated and finally disposed of by the Government. All new items in the Budget Estimate involving large expenditure or large increase of expenditure, such as, reorganization of a department, or considerable increase of staff of any branch of service or large constructive works, should be accompanied by such detailed explanation as would enable the non-official member to submit his suggestions in respect thereof in time to admit of an effectual consideration by the Government. I do not propose to labour this point any further, as drastic changes in the mode of preparation and presentation of the Financial Statement at different stages are in view as part of the great Reform Scheme.

"I shall now proceed to submit a few observations on some of the items of expenditure shown in Appendix B of the Financial Statement.

Land Revenue.—Under the sub-head 'Management of Government Estates,' Rs. 74,000 has been allotted for outlay on improvements, a portion of which represents expenses for Fraserganj reclamation works. It is, I tell you, Sir, extremely painful to me to speak disparagingly of anything which bears the honoured and beloved name of Sir Andrew Fraser. It is now proved beyond doubt that the reclamation works in Fraserganj have not been a financial success, and the idea of setting apart a portion of Fraserganj for the purpose of a sanitarium has not found favour with the general public. In these circumstances, the wasteful expenditure of public money for such reclamation works should be stopped.

"*Stamps.*—I have heard complaints of inconvenience from several persons for the discontinuance of the sale of one-anna and unified stamps through stamp vendors, giving them small discount on sales effected by them. An inquiry should be made to see if the revival of the discount system would conduce to public convenience.

"*General Administration.*—We are in the dark as to the efficacy of work done by the Controller of Office System. I humbly ask for a definite pronouncement, if the Government is satisfied that the work he is doing is commensurate with the expenses incurred on that account.

"*Anarchy and Expenditure.*—The Financial Statement reveals what a severe strain on the public purse has been caused by the small band of wicked Anarchists. I wish my countrymen to note particularly how much of public money, which otherwise would have served many beneficent purposes, has been spent for the suppression of the wicked movement towards anarchy and disorder. The expenses are spread over several heads—'Law,' 'Jails' and 'Police.' An examination of these will, I am sure, very much deepen the sense of abhorence created by their misdeeds. It is hoped that the extra expenditure under these heads, due to the suppression of anarchy and disorder, will not be repeated when anarchical crimes will be extirpated. May God speed the day.

"*Police.*—The two heads of expenditure in which the non-official members as also the outside public, take the keenest interest, are 'Police' and 'Education.' The real ratio between the expenditures under these two heads can be truly and correctly ascertained, if all expenses since the Partition of Bengal incurred for all building works in connection with Police and Education are relegated to the head 'Civil Works' and the receipts under those heads are respectively deducted from the total expenditures. Then a common basis will be established for purposes of comparison. Judged by this criterion, the increase of expenses under the head 'Police' will be found much larger than that under the head 'Education.' I have not omitted to note that a special recurring grant of 14½ lakhs has been made by the Government of India to give effect, so far as possible, to the recommendations of the Police Commission which have been approved by the India Government, nor have I overlooked the extraordinary expenditure required for the detection and suppression of anarchical crimes. We all welcome a reformed Police, but the goal seems to be yet far off and any sign of reform is hardly yet visible.

"*Education.*—(1) No provision has been made for carrying out any one of the many valuable recommendations made in the excellent report of the

[*Rai Kishori Lal Goswami Bahadur.*]

Hon'ble Mr. Cumming. Other Provinces, notably the United Provinces, Madras and Eastern Bengal and Assam, are taking practical steps to give effect to the proposals for the advancement of Technical and Industrial education and for the development of local industries. I most sincerely wish that the hopes of returning prosperity, so sanguinely looked for by the Hon'ble the Financial Secretary, will be fully realised so as to enable him, to make ample room for this purpose in the next Budget estimate.

(2) The scheme for an Arts College at Ranchi, after several vicissitudes of fortune, was given a definite but modest shape by the late Lieutenant-Governor with the concurrence of the Secretary of State. The strong popular opposition to the scheme which owed its origin to the fear that the Presidency College will cease to exist, has now given place, I must say in spite of the views of my hon'ble friend Babu Deba Prasad Sarbadhikari to popular approbation of the less ambitious scheme for establishing an Arts College in Ranchi for teaching up to the B. A. and B. Sc. Standards. It is much to be regretted that after the foundation-stone of the College building was laid last year by Sir Andrew Fraser and having regard to the generous contributions which have been promised by my hon'ble friend the Maharajadhiraja of Burdwan and other noblemen of Bengal in support of that scheme on condition that the construction of the college building should be immediately taken in hand, no allotment has been made in the Budget estimate for the Ranchi College building. There is no necessity for what is called a Rajcoomar College in Bengal, but a model college in one of the healthiest parts of the country teaching up to the B. A. and B. Sc. Standards will be largely resorted to by boys belonging to the wealthy and well-to-do families of this Province including the sons of high Indian officials. I regret at the unsympathetic attitude of my friend to my right towards the Ranchi College Scheme, which springs from ignorance of the feelings of a large number of people—notably the well to do landed community who have evinced their appreciation in the most tangible form of large subscriptions and the successful gentlemen belonging to the learned professions and also the high Indian officials whom exigencies of public service oblige them to shift from place to place, and therefore feel very much the necessity of placing their boys in such a residential College as has been proposed to be established in Ranchi or it may be my friend has been blinded by an overpowering love for the Presidency College and Colleges in Calcutta. Your Honour will during your visit to Ranchi a few days hence, see the large number of new houses built up and those that are under construction, which are intended mainly to help the owners of the houses to enable them to educate their boys in an atmosphere favourable to health, intellect and morals. I hope Sir, my friend's utterance will not make the 'indefinite postponement' necessitated by financial stringency a postponement *sine die*.

(3) The grant of Rs. 80,000 allowed in three successive years to the struggling private colleges has been stopped this year. The sudden stoppage of this grant, the repetition of which the private colleges looked forward to, at all events for some years to come, will retard the progress of collegiate education as the new University Regulations have burdened them with obligations which they are unable to discharge without State help. However the announcement made by the Finance Member of the Government of India at the last Budget debate in the Viceroy's Council that a grant of Rs. 1,60,000 will be made to Bengal for University Education has inspired the hope that Your Honour will be able to satisfy the legitimate demand of the private colleges for State help. I am entirely at one with Mr. Küchler, the Director of Public Instruction, that schemes for educational improvement should proceed according to the following order of priority (*i*) Collegiate Education, (*ii*) Secondary Education, and (*iii*) Primary Education.

(4) Expenditure on inspection of schools is quite disproportionate to the expenditure on the schools themselves. The expenditure on this head might, in my humble judgment, have been reduced and the saving thus effected might have been diverted to the furtherance of Technical and Industrial education and the Ranchi College Scheme. Anyhow a beginning might have been made in these two directions.

(5) The provision of 2 lakhs for Guru-training school buildings seems to be unnecessary, for it is not proposed to have trained Gurus on an extensive scale as

the state of the finances both Imperial and Provincial, has rendered the prospect of free and compulsory primary education, dim and distant. Besides, the present requirements for Guru-training school buildings might be met with a very moderate expenditure, as these schools might be located in hired buildings and *chondimondops*. Might it not be possible to divert a portion of this grant to the aforesaid two purposes for which no room has been made in the Budget? Those projects should have precedence over Guru-training school buildings. Educational expenditure owing to the exigencies of finance has been cut down in the same way as Civil Works expenditure, but in the opinion of the public, Education should occupy the foremost place in the Budget, and the expenditure should from year to year be on the ascending scale.

"*Agriculture.*—Agriculture should no longer be treated as a minor department, and the expenditure on Agricultural Department should not be lumped together under the sub-head 'Experimental Cultivation.' The charges for agricultural education ought properly to come under the head 'Education,' and the rest of the expenditure in connection with agriculture should be included in head (Scientific and Other Departments) under a distinctive sub-head, 'Agricultural Improvements.' The cost of direction and supervision should be separated from that of demonstration, improvements and experiments. A more adequate provision should have been made for a larger number of itinerant Agricultural Inspectors.

"*Miscellaneous.*—Out of Rs. 1,85,000 allotted for Special Commission inquiry, Rs. 1,65,000 represents the charges for the Fishery Inquiry. Exploitation of the sea-fisheries for the benefit of a country, the generality of the people of which eat fish, is undoubtedly desirable, but the result of the exploitation since the last monsoon hardly encourages one to persevere with it. In the year which has just set in, the Hon'ble the Financial Secretary has informed us that the anticipated sale-proceeds of fish which will be caught by the steam-trawler *Golden Crown* is Rs. 15,000. That keeps the enterprise very far from a commercial success. I, however, welcome the stimulus to private enterprise which will be afforded by the State Scholarships awarded to some Indian students for the study of Pisciculture in Europe and America. I shall ask Your Honour to seriously ponder over the situation and to decide whether further exploitation should be carried on with such a trawler as the *Golden Crown*.

"The remarks of the Fishery Adviser to the Bengal Government in his last report regarding the *Golden Crown* are rather disheartening. He said: 'It may not be amiss to remark here that the *Golden Crown* is a small and ancient type of trawler, and that her gear is by no means adequate for the work she has to perform, viz., the exploitation of the Bay.'

"*Closing Balance.*—The Hon'ble the Financial Secretary has explained that the causes which contributed to the gradual depletion of the closing balance, reducing 44 lakhs, being the closing balance of 1906-07, to zero in the estimate of the current year are—

(*i*) increased expenditure on Public Works;

(*ii*) growth of expenditure under the heads of Police and Education;

(*iii*) very heavy charges incurred in the payment of grain-compensation allowance; and, lastly,

(*iv*) short collections of Land Revenue and diminished Excise and Stamps Revenue owing to Agricultural depression.

"Is this depletion due to reckless expenditure and exceptional causes, such as Famine, Anarchy, etc., or is it due to a radical defect in the method of assignment of Provincial Revenues which are inadequate to cope with the progress of administrative reforms? Your Honour, who has won laurels in the domain of finance has, I am happy to find, made a careful survey of the whole situation and addressed a vigorous appeal in the Viceroy's Council for a revision of the Provincial settlement when the present financial stringency comes to an end. I trust Your Honour's appeal will be generously responded to by the India Government. It is indeed a serious state of affairs that a balance of 14 lakhs of rupees should be wiped out in three years and leave this

[*Rai Kishori Lal Goswami Bahadur; Mr. Thomson; Mr. Cumming.*]

Province in a state not very far removed from bankruptcy. To the complete absorption of the closing balance of 44 lakhs must be added the Imperial grant of 16 lakhs and 95 thousand to cover provincial deficit, making a total of close upon Rs. 61,00,000.

"Sir, before I resume my seat, I shall crave your indulgence to refer to two important extraneous matters. On behalf of the Association I have the honour to represent in this Council, I express our sincere admiration of the high statesmanship which has dictated the appointment of the learned Advocate-General of Bengal, the Hon'ble Mr. S. P. Sinha, as the first Indian Law Member of the Council of the Viceroy and Governor General of India. In reply to the welcome accorded to Your Honour on the first day that you occupied the Presidential Chair of this Council, you made certain observations regarding the befitting attitude of the members of the Indian Civil Service towards the people of this country generally, and particularly towards their non-official colleagues in this Council, which have evoked the deepest gratitude of the people of this country and they are viewed by one and all of us as a very salubrious appendant to the noble message of our gracious Sovereign and the lofty principles of modern liberalism on which the Reform Scheme of Lord Morley and Lord Minto are based. In every honest Indian heart there will be a niche for both those noble Lords and they will occupy an abiding place of glory in the pages of the History of India."

THE Hon'ble MR. THOMSON said:—"The decrease in the navigation receipts from the Nadia rivers, referred to by the Hon'ble Nawab Bahadur of Murshidabad, is mainly due to a reduction by half of the rates of tolls during the flood season, with effect from June, 1906; and also to short crops, and diversion of traffic to the railways. As regards improvement of the river channels, dredging in the Bhagirathi is being done solely as a sanitary measure, to increase the supply of drinking-water. The question of keeping open a channel connecting with the Ganges, and navigable for steamers throughout the year, has occupied the attention of Government for many years; but the natural conditions are such as to make it improbable that any efforts in this direction will ever prove permanently successful.

"The Hon'ble Babu Deba Prasad Sarbadhikari draws attention to the Begua Hanna embankment, and Tolly's Nala improvement. Plans and estimates have been prepared for constructing a weir across the Begua breach on the right bank of the Damoodar river, to regulate the flood discharge. The work will be very costly, and will require careful consideration before it is decided on. A project for the improvement of Tolly's Nala to form part of the steamer route from Khulna to Calcutta has been prepared and submitted to the Government of India.

"The Hon'ble Mr. Das remarks upon the rise in the cost of establishment under the head of Civil Works. The increase is chiefly due to increased salaries under the Re-organization Scheme sanctioned by the Secretary of State; to smaller contribution by the Government of India on account of Imperial Works; to the appointment of a Consulting Architect; and to additional Electrical establishment.

"The Hon'ble Babu Gajadhar Prasad pleads for the extension of irrigation. The Government is fully aware of the importance of this matter, and continues to give it most careful attention. The proposal to form reservoirs by putting shutters in road bridges is not practicable to any useful extent."

The Hon'ble MR. CUMMING said:—"Sir, I have to offer a few observations on the remarks of the Hon'ble Members concerning the subjects belonging to the Judicial and General Departments. I take up first matters of the Judicial Department.

"Regarding the Presidency Honorary Magistrates, it is urged by the Hon'ble Babu Radha Charan Pal that they are being deprived of their privileges. Recently at the instance of the Chief Presidency Magistrate, an increase was made in the number of the Magistrates who are empowered to sit singly. There had been complaints against the delay in the disposal of cases by Honorary Benches.

"As regards the suggestion of the Hon'ble Member for constituting Honorary Benches in the Small Cause Courts, which was also made last year, Government has no pronouncement to make.

"The construction of new buildings for the Cuttack Civil Court, to which the Hon'ble Babu Deba Prasad Sarbadhikari has alluded, is estimated to cost a lakh and a half. Administrative approval has been given. Civil Court buildings are being renewed in three other districts at present.

"The same Hon'ble Member has urged the necessity for improving in two respects the Judicial Branch of the Provincial Civil Service. The Government of India have recently not approved the proposal to appoint a new grade of Munsifs on Rs. 500 in this Province. But as regards the other point on which that Service naturally lays much stress, the Secretary of State has recently sanctioned the proposal that Munsifs should be allowed to count as service qualifying for pension the periods, whether continuous or not, during which they may have held acting appointments.

"The increase of the pay of the Advocate-General is criticised by the Hon'ble Mr. Das, on the assumption that it is meant for the successor to the Hon'ble Mr. Sinha. As a matter of fact, the pay of Rs. 4,000 a month was sanctioned in May, 1908, by the Secretary of State for the case of the Hon'ble Mr. Sinha, who succeeded Mr. O'Kinealy.

"It has been suggested by the Hon'ble Babu Deba Prasad Sarbadhikari that the Pleadership Examination should be placed under the Education Department. I am afraid I fail to see that any advantage would be gained. The Education Department would have to constitute a Board of Examiners; and a Board of Examiners exists at present, consisting of not less than eight members, the President of which must always be a Judge of the High Court. Government is not aware of any dissatisfaction with the working of the Board, which was constituted twenty-five years ago.

"The Hon'ble Babu Gajadhar Prasad has suggested certain changes in the treatment of under-trial prisoners in jails. As regards the arrangements for the cooking of food by Brahmans and for the separation at meals of Hindus from Muhammadans, and high castes from low castes, the Jail Code lays down considerate instructions; and even allows a prisoner in certain cases to cook for himself, if the caste of the jail cook is not sufficiently high. No complaint has been received about the use of iron plates. If the Hon'ble Member will furnish me precise information concerning the cases which prompted his remarks, the Inspector-General of Prisons will be very pleased to make inquiries.

"An inquiry has been made by the Hon'ble Babu Radha Charan Pal regarding the court-fees of the Calcutta Small Cause Court. By a notification of the 21th October, 1908, some relief to suitors has been given, to take effect from the 1st April, 1909, at an annual estimated loss to Government of Rs. 13,000.

"I next turn to the General Department, which deals principally with educational matters. There is, however, an inquiry from the Hon'ble Babu Radha Charan Pal as to whether the sum of half a lakh provided in the Budget for inspection of factories is meant to cover inspection of septic-tank installations. The answer is that the charge is a medical charge, and that it will be met from the Medical Budget.

"The Hon'ble Babu Deba Prasad Sarbadhikari has drawn attention to the claims of the Provincial Educational Service. These were the subject of a careful inquiry by Mr. Earle, and last year proposals were submitted to the Government of India for the improvement of the pay and prospects of the Service. Government recognizes that the result of its action is eagerly awaited by the public generally, and especially by those interested in the progress of education.

"Three of the Hon'ble Members have complained that there is a disproportionate expenditure on the work of inspection of schools compared with the work of teaching. It is true that the cost of inspection has increased nearly three-fold in six years, but is still only 13 *per cent.* of the total Educational Budget. Leeway had to be made up under both heads, and we have now practically completed the scheme which we had for the improvement of inspection. The scheme for the improvement of secondary education at a recurring cost of many lakhs, which is a much larger matter, is still under

discussion with the Government of India, who have quite recently approved generally of the principles of our scheme. The scheme for guru-training schools is for the improvement of teaching in primary schools.

"The Hon'ble Babu Deba Prasad Sarbadhikari has emphasized the difficulty and expense of bringing our colleges up to a proper University standard. Government appreciates the propriety of setting a good example in Government colleges and of giving assistance to private colleges. From time to time temporary appointments have been made in Government colleges on the lines of the permanent appointments proposed in Mr. Earle's scheme. It is a question of funds In response to our request to the Government of India to continue the allotment of liberal grants for the improvement of private colleges and for University reform generally, including University buildings, a sum of Rs. 1,60,000 has been allotted to this Province, after the present budget was framed; the details are not yet in our hands. We have recently passed orders on the recommendation of Mr. Kuchler, until recently the Director of Public Instruction, for an increase of staff in the Sanskrit College and in the Patna College; and proposals for strengthening the staff of the Ravenshaw College and for giving further assistance to the Bihar National College are under consideration. The Hon'ble the Nawab Bahadur of Murshidabad has drawn attention to the need for the improvement of the Calcutta Madrassa. Mr. Earle, when on special duty in 1908, drew up a scheme in consultation with a representative Committee. His proposals were nearly all accepted by Government, and are to be brought into effect as funds permit. The sum of Rs. 9,000 now allotted represents two-thirds of the amount which is required. The Hon'ble the Maharajadhiraja Bahadur of Burdwan and the Hon'ble Rai Kishori Lal Goswami Bahadur have called attention to the scheme for an Arts College at Ranchi. Government shares the regret of the Hon'ble Members that the condition laid down by the Government of India antecedent to the acceptance by this Government of the generous offer of one lakh made by the Hon'ble the Maharajadhiraja Bahadur of Burdwan and his friends, has not been fulfilled; but there is no danger that the scheme will be overlooked.

"Turning to the head of Technical Education, I may say in reply to the Hon'ble Babu Deba Prasad Sarbadhikari that the proposed removal of the Civil Engineering College from Sibpur has been accepted in principle by the Government of India. The Engineering College in all probability will continue to develop as it has done in the past. Two of the main proposals mentioned in the Industrial Report are no longer in the hands of this Government As regards instruction in Industrial Chemistry, the arrangements have been made, and we await the arrival of an expert whose selection is at present in the hands of the Secretary of State. Government desires some experience of these Industrial Chemistry classes before embarking on a larger scheme. The appointment of a Superintendent of Industries and Inspector of Technical and Industrial Schools is also before the Secretary of State. The Weaving Institute at Serampore was opened in January last; the future careers of those who are trained there will be watched with interest.

"The Hon'ble Babu Deba Prasad Sarbadhikari has complained that the Law College grant is too small. This Government has sanctioned an annual grant of Rs. 3,500 for five years to the University Law College. The Patna Law College will require in its first year more than the Rs. 20,000 entered in the Budget, especially on account of the Library, and an endeavour will be made by Government to make up the deficiency. As regards law scholarships for Uriya students, six at Rs. 30 a month have been sanctioned, tenable at Patna or Calcutta. I regret to have to inform the Hon'ble Mr. Das that for the present, a separate Law College for Orissa is not justified, though Government sympathizes with the wish of Uriyas to study for the B. L. Examination without leaving Orissa. And as regards the training and examination in Surveying of pleaders, this matter has been under the examination of this Government in consultation with the Hon'ble the Judges of the High Court and with the Government of Eastern Bengal and Assam. It is proposed to constitute a representative Board which would conduct examinations for the two provinces. Improved arrangements have also been made for imparting instruction in Surveying.

"The Hon'ble Babu Deba Prasad Sarbadhikari has noticed the omission of any grant to the private Schools of Art in Calcutta. These must, I am afraid, look to the public for assistance.

"The Hon'ble Mr. Das is under the impression that the fact that the District Boards did not appropriate all the grants for primary schools shows that there was an inability on the part of the people to comply with the terms of the grants, and he suggests an alteration of the terms. This is not the whole reason; the District Boards were asked in the latter half of the year to refund unexpended balances to meet other claims in the Department on account of primary education. The grants were for building model primary schools; and in many cases local contributions were not forthcoming. Government is not prepared on the experience gained to dispense with the local contribution.

"The same Hon'ble Member has put forward a representation for the training of female teachers in Orissa. Government in this matter, after careful consideration, has made a modest experimental start in Calcutta and in Patna. The case of Orissa will now be considered.

"In conclusion, Sir, there is one remark of the Hon'ble Mr. Das which I cannot allow to pass unchallenged: he suggests that Magistrates take a pleasure in disturbing on unintelligible grounds the harmonious working of girls' schools. The experience of the Hon'ble Member may have been unfortunate: but as a general statement for the whole Province, it is hardly fair, and does not agree with anything which I have ever heard or seen in district work."

The Hon'ble MR. DUKE said:—"SIR—The Hon'ble Babu Radha Charan Pal refers to the provision of Rs. 50,000 which has been made for Additional Deputy Collectors for settlement duty, and expresses the hope that this will be so utilized as to reduce the period of probation of Deputy and Sub-Deputy Collectors. These gentlemen, as he observes, were formerly kept on probation for a period of six months, which has recently been extended to a year, during which period they receive a subsistence allowance, which is only half of the pay which they draw when finally appointed *sub. pro tem.* The extension of probation to a year took place after mature consideration, because young officers on their appointment have everything to learn; and unless they are given special training, they fail to obtain a comprehensive knowledge of their duties. After their year's probation, they are given appointments as fast as vacancies occur; and the only way to appoint them quicker, would be to recruit fewer of them, which, perhaps, the Hon'ble Member would not desire. The special provision of Rs. 50,000 is intended to provide for 10 Deputy Collectors and 30 Sub-Deputy Collectors; but these appointments can only be made when the Government of India sanction them. Should the Government of India do so, the officers at present on probation would, no doubt, benefit by, in the first instance, obtaining a majority of the new appointments.

"Reference has been made by the Hon'ble Babu Deba Prasad Sarbadhikari to the scale of travelling allowance granted to Sub-Deputy Collectors. The Government of India at one time, about two years ago, allowed a daily rate of Rs 3 to be drawn by Sub-Deputy Collectors, but a short time after they withdrew the privilege and confined them to the ordinary rates of travelling allowance under the Civil Service Regulations. It must, however, be remembered that previous to 1907 Sub-Deputy Collectors drew no daily allowance, unless they travelled more than 15 miles a day. Now they draw it on the same conditions as other officers of similar standing. Under the rules they are entitled to from Re. 1 to Rs. 2-8, according to their rate of pay. So far Government has not before it sufficient materials to lead it to suppose this rate to be inadequate to meet their ordinary expenses.

"The question of the scheme of the separation of Executive and Judicial functions which has been referred to by the Hon'ble Babu Radha Charan Pal has not lain dormant. It has, however, become apparent that there are extensive difficulties, both legal and practical, and these are being solved in correspondence with the Government of India. If the solution should be satisfactory, extensive measures of preparation will still be required to give effect to the scheme, and expenditure on it could hardly be undertaken in the current year, even if the financial situation permitted.

[*Mr. Duke.*]

"Referring to the observations of the Hon'ble Babu Radha Charan Pal on the necessity for improving the Calcutta Police Court building, I can only regret that improvement is blocked for the present by financial stringency. My predecessor, Mr. Gait, promised last year that, if the Chief Presidency Magistrate could suggest improvements on a reasonable scale, the matter would be sympathetically considered. These proposals have not yet been submitted in a form in which they can be dealt with by Government. But even if they had been, it must be admitted that funds could not be found to undertake them in the current year.

"Referring to the remarks made by the Hon'ble Babu Radha Charan Pal and other Hon'ble Members on Fraserganj, I would desire to correct the misapprehension, if in fact it exists, that Fraserganj was intended solely or even mainly as a health resort. The opportunity for establishing a health resort arose, because the island under reclamation had a sea frontage. Efforts were certainly made to popularise it by providing a rest bungalow and a golf course and by establishing a steamer service. These, however, only account for a total of rather less than Rs. 80,000 out of about Rs. 5,30,000 which was expended on the reclamation. The efforts have not been successful, owing to the difficulty of maintaining a steamer service and the future of the island as a health resort mainly depends on whether such a service can be run. For the present no further expenditure will be incurred in this direction. The remaining expenditure of 4½ lakhs is due to the reclamation of land for cultivation—an enterprise in which Government has not previously embarked on its own account, at least on such a scale but one, as the Council is aware, which has been extensively carried on by private capitalists in the Sundarbans.

"Upwards of 7,000 acres have been reclaimed and rendered fit for cultivation. Expenditure has practically come to an end, except, of course, on the recurring repairs to embankments. It is improbable that Government will continue to directly manage the reclaimed estate, and proposals for leasing it are under consideration.

"The Hon'ble Rai Kishori Lal Goswami Bahadur has suggested that provision should have been made for a larger number of itinerant Agricultural Inspectors. The itinerant Inspector shown in the Budget is a Provincial officer: he may be employed for the inspection of the Government farms, and suffices for that duty. As demonstration farms are multiplied, it will be necessary to employ other Inspectors. The Hon'ble Member may, however, be reminded that there are already six Agricultural Inspectors employed in Divisions under the Divisional Associations, as also three travelling Overseers, although these officers are of a lower rank than the Inspectors of the Provincial Service to whom the Hon'ble Member refers, and their business lies rather in advising members of the local Associations as to improvements in cultivation and in supervising district and private demonstration farms, and explaining their working to members of Associations and to the public. The facts however show that adequate steps have been taken to provide an inspecting agency intended to keep the department in touch with the public.

"I have to refer to the Fisheries inquiry, for which the allotment stands at Rs. 1,65,000, on which some observations have been made by the Hon'ble Rai Kishori Lal Goswami Bahadur and the Hon'ble Babu Deba Prasad Sarbadhikari.

"I would note first that about half the expense is occasioned by the *Golden Crown*. Regarding the operations of this vessel there appears to be a certain amount of misconception. Attention has been directed to the fact that she is of antiquated type, and less efficient than the most modern builds of trawlers, particularly in being able to shoot her nets only on one side. The misconception consists in supposing that Government would attempt in an experiment limited as to scope and time to prove by actual results that deep sea fishing pays. What has been attempted, is to ascertain what fish there are in the Bay, where they are to be found at particular seasons, whether they are acceptable to the market, and in what quantities they can be caught. If it were merely desired to show what could be made out of fishing, we should, of course, stick to the nearest rich ground, fish it as hard as possible, and try to show how much could be got from it. What has been done, is quite different, namely, to search the Bay up and down, trawling in every part of it

where trawling is possible, and to chart and record the results. When this has been done for one or two seasons (it was proposed originally to carry on the experiment for about 18 months in all, but as a matter of fact our information is already, perhaps, sufficiently complete, as far as the Bengal portion of the waters is concerned, and it may be possible to sell, or at any rate to pay off, the trawler a good deal earlier), the public will have complete information as to the fish of the Bay, and the quantity which can be taken at a single haul. It will then rest with those who have the capital and enterprise to devise the best type of vessel for Indian waters, the way in which she should be manned, and the most economical manner of bringing the fish to market.

"Should the Fishery inquiry be further proceeded with, it will be in other and much less expensive directions, namely, as to the breeding and conservation of various types of fresh water fish, the improvement of curing and salting, the utilisation of bye-products.

"The Hon'ble the Maharajadhiraja of Burdwan complains of a tendency which he observes to interfere with private rights. I think that any apprehension as to harassing or irritating interference by Government might have been relieved by the mere fact that some tentative suggestions for restrictions on the wholesale depletion of fish in running rivers were first of all submitted to the Fishery Board for their opinion. It must also be remembered that if Mr. Gupta's inquiry proved anything, it was that to the unrestrained and reckless slaughter of fish of all kinds and all ages is due the very inferior condition of inland fisheries at this day; and that if a better return is to be obtained by fishermen and fishery-owners, it can only be by submitting to some degree of restraint and regulation as to the manner and the seasons in which the fish are killed. What such regulations should be is the function of this inquiry to determine; and whether they can be made acceptable to the people, is that of the Fishery Board.

"The Hon'ble Mr. Das also refers to some encroachment by Government on private fishery rights in Orissa. I am ignorant to what particular circumstances he refers, but I can declare with absolute assurance that Government has no more idea of attempting to deprive individuals of their rights in fisheries than of their lands and houses.

"I have listened with interest to the Hon'ble Mr. Das's observations on the desirability of increasing occupation in industrial pursuits, and reducing the pressure of the cultivating classes on the land. I believe that the Council will unanimously sympathise with Mr. Das's view, that the best hopes for improving the condition of the general body of the people lie in multiplying industrial occupations. But beyond this I can hardly follow him. When distress is upon us, we must employ the people in a manner which will give the most immediate relief, and at other times there is no Famine-relief Fund on which we can operate. Government has already made efforts in various directions to improve instruction in handicrafts by starting technical schools, and recently by establishing weaving schools. Improvement in this direction must, however, operate by the gradual withdrawal of a portion of the population from agricultural to industrial pursuits. This will inevitably occur when they find that skill in such pursuits is rewarded by a superior livelihood. If advantage were taken of a famine to force people into avocations repugnant to their caste feeling, the result would probably be the very opposite of what the Hon'ble Member contemplates, and the occupation forcibly adopted would become the most signal badge of degradation.

"The Hon'ble Babu Gajadhar Prasad's observations on the necessity of preservation of forests deserve serious consideration. It has been impressed on Government with increasing force that the forests of the country which are outside the operation of the forest laws are becoming so depleted that they can no longer supply local requirements.

"Over and above that it is now, as the Hon'ble Member says, a generally accepted theory that forest denudation prejudically affects the rainfall.

"If this view is gaining acceptance with the public, it may become possible to act; but hitherto the great obstacle to Government action has been the objection to any interference with private rights. If it becomes impressed on the public that these rights may soon become valueless owing to total exhaustion, Government may receive some support for conservative action. A Committee has already been examining the forest tracts in the west and south

of the Province, and has made suggestions as to how the benefits of the forests may be secured to future generations of those entitled to them. These are under consideration at present, and meantime it may be hoped that public opinion on the subject will be gradually educated."

The Hon'ble MR. MACPHERSON said:—"I wish to offer some remarks with regard to the check in the growth of the Excise revenue of the Province which Hon'ble Members will have noticed but which has not, I think, been commented on. And if my remarks relate chiefly to revenue figures I hope that they will not be misunderstood to indicate that revenue is the chief subject of solicitude in excise administration.

"The principles of excise administration in India have been thoroughly discussed in recent years, at least with regard to the liquor traffic, in the Indian Excise Committee's Report and in the Government Resolutions published thereon. A Bill to amend the Bengal Excise Act is now before the Council. It has been circulated for public criticism, and the opinions received will be carefully considered by the Select Committee before the Council next meets. I hope to be excused, therefore, if, in this budget discussion, I confine myself chiefly to aspects of revenue.

"For nearly 20 years up to and including the year 1907-08 there has been a continuous increase of the Excise revenue broken only by a shrinkage of 6 lakhs in the receipts of the famine year 1897-98. During the five years ending 1907-08 there was an average annual increase of nearly 8 lakhs. A year ago, therefore, it appeared to be reasonable, to estimate that the excise revenue of 1908-09 would amount to 175 lakhs, or $4\frac{1}{5}$ lakhs in excess of 1907-08. This expectation, however, has not been realised and the Excise Commissioner's latest estimate of the total excise revenue of the Province for the year 1908-09 is that it has not exceeded 170 or 171 lakhs, *i.e.*, he reckons that it has been practically the same as that of 1907-08.

"It is believed that there has been no falling off in the revenue from drugs. It is under the head of country spirit that the revenue has diminished or remained stationary in important areas. I may remark that the revenue from country spirit is about 94 lakhs, or considerably more than half of the whole Excise revenue.

"The still-head duty on the country spirit was raised during the year in 11 districts, so the decrease of revenue in contract and central distillery districts was the result of diminished drinking. The causes of decreased consumption and decreased revenue will be analysed in the administration report for the year. But there can be little doubt that a main cause of decreased consumption is to be found in the high price of food-grains, which diminished the purchasing power of consumers. Such a decrease of consumption of country-spirit is a well known feature of a time of serious scarcity or high price of food-grains in this Province. And it is a satisfactory feature of hard times as showing self-restraint and self-denial.

"In Calcutta a large decrease in consumption of country-spirit is attributed to the increase of the duty, the reduction of issue strengths and the abolition of a number of shops—measures which were ordered by Government on the recommendation of the Committee which sat in Calcutta last year. It has been suggested on the other hand, that there has been an increase in consumption of imported liquors in Calcutta, but this suggestion has not been verified, and it may be mentioned that the number of licenses in Calcutta for sale of imported liquor, subsidiary to country spirit licenses, has been reduced from 94 to 60.

"In some of the Bihar and Chota Nagpur districts the failure of the *mohua* crop made reduction of out-still fees necessary last year.

"Complete figures for the new excise settlements are not yet available, but in the circumstances with which the new financial year has begun it appears to me that the estimate of 179 lakhs for the Excise revenue of 1909-10 has been pitched too high; and perhaps an estimate of 175 lakhs will be sufficiently sanguine.

"The Hon'ble Rai Kishori Lal Goswami Bahadur, suggests that an inquiry should be made to see if a revival of the system of allowing discount to stamp

vendors on the sale of one-anna and half-anna unified stamps would conduce to the public convenience.

"The discount formerly allowed on sale of such stamps was stopped under the orders of the Government of India two year's ago. It was at the same time ordered that postal officers and licensed vendors of general stamps should always be required to keep a week's supply of one-anna and half-anna stamps for sale to the public. If stamp vendors do not confom to this rule, complaint should be made to the Collector of the district. The stamp vendors naturally grumbled two year's ago when they were deprived of their discount but the Board have not heard, I think, of any complaint made during the last two years by the public and no inquiry on the subject appears to be necessary"

The Hon'ble MR. SLACKE said:—"Your Honour—The Hon'ble Rai Kishori Lal Goswami Bahadur has asked whether Government is satisfied that the work done by the Controller of Office Systems is commensurate with the expense incurred on that account. Briefly put, his duties are to see that record-rooms are properly maintained, that the expenditure on forms and stationery is kept within due limits, and later on he will organise and supervise schools for the training of those who have been selected as probationary ministerial officers.

"That officer works directly under me, and I have no reason to think that the work he has done and is doing for Government and the High Court is not commensurate with the expense incurred.

"Concerning water-lifting machinery and its usefulness for irrigation, leave was given this last cold weather to make an experiment in Bihar, but sufficient time has not yet passed to enable me to form any idea of the value to be attached to the method employed.

"Turning to the remarks which the Hon'ble Mr. Das has made about the revision-settlement work now in progress in Orissa, I have been unable to find any authority for the assertion that the main object of the work in question is to reduce the costs of the next revenue settlement revision in Orissa.

"What were the objects of the revision work were clearly explained in the letter which was circulated last year to the Orissa Association with the draft Maintenance of Records Bill.

"The Hon'ble Member has urged that the revision work may be delayed and spread over a longer period than is at present contemplated. But the information at my disposal shows that the vast majority of the people of Orissa, viz., the tenants, neither wish for delay nor regard the work with other than friendly feelings, as they recognize the necessity of having their rights protected from oppressive zamindars. I would, with your permission, Sir, read the following extract from the last yearly report of the Director of Land Records:—

"The Settlement Officer writes as follows on this subject:—

'A large number of zamindars still regard the operations with some disfavour, specially those who are oppressive or grasping. The revision is on the other hand evidently welcomed by the tenants for the reasons given in the Director's Annual Report last year. This was strikingly shown during the past season's khanapuri operations in Cuttack. I have previously described how we were forced to select special areas in Cuttack in order that unnecessary harassment should not be caused to tenants holding lands in the flooded tracts. Thus in thana Tirtol certain areas in which considerable losses had occurred were excluded. When Mr. James, the Assistant Settlement Officer in charge, was inspecting the work in the adjoining protected area, a large number of tenants from the flooded portion came to him and begged that operations should start at once in their tract. They went so far as to deny loss of crops, and thereby ran the risk of losing the taccavi advances sanctioned by the Collector. The Chakla Kanungo happened to be with Mr. James at the time, and assured him there had been serious loss of crop and the latter did not therefore accede to the tenants' request.

'From time to time paragraphs appear in various papers purporting to be reports of meetings of landlords and tenants protesting against the revision operations. There is little doubt that the writers of these reports are entirely influenced by the landlord.'

"The Hon'ble Member, in making the request for delay, loses sight of the fact that delay will render the work more expensive, and as the requisite funds

are provided from Provincial Revenues, further delay would lessen the resources available to Government for expenditure on other objects, and so would prevent Government rendering that assistance to education which the Hon'ble Member desires.

"Nor can I support the Hon'ble Member's plea for delay on the ground that the recasting of the local land law is under contemplation. It was the revision work that brought to light facts tending to show the need for remodelling the law. But even if it is decided to re cast the law, such will not affect the essential portions of the record."

The Hon'ble MR. OLDHAM said:—"There is one feature, Sir, of the debate to-day which must, I think, have met with the warm approval of the great majority of the Members of this Council. I refer to the comparative brevity of the speeches, and the more concise manner in which on the whole their criticisms have been formulated by the non-official Members, which is due no doubt to the advice given by Your Honour at the last meeting. It is not a fact, as complained by one Hon'ble Member, that they have been in any way restrained from criticising the administration of the Province: it has merely been very properly pointed out that such criticisms should be confined to matters relevant to this Council, and be expressed at reasonable length. The result has been not only to expedite the proceedings of the Council to-day, but also to materially assist the official Members in their task of collecting the information required to enable them to reply to the various points raised. It will be agreed, I think, that the criticisms of the Hon'ble Members have gained in force by being more concisely expressed. Most of the questions raised have already been answered by the Hon'ble Members of the Board, etc., and my colleagues. There remain a few subjects which relate more particularly to the Departments under the Financial Secretary, and a few remarks regarding the form and contents of the Financial Statement itself, and the procedure of discussion, to which with your permission, Sir, I propose to refer.

"Before doing so, however, I would like to thank the Hon'ble Members for the sympathetic spirit in which they have received what is, for unavoidable reasons, a deficit budget, and for the general approval, which is shown by the few objections raised, of the manner in which we have decided to distribute the limited funds at our disposal. A Financial Secretary without a surplus to dispose of is like the mariner of old steering between Scylla and Charybdis. On the one hand, he has to face continually the displeasure of energetic and zealous Heads of Departments anxious to push forward schemes of development and improvement. He is regarded as an obstructionist and a miser because he is constantly cutting down expenditure. On the other hand, he has to endure the reproaches of Hon'ble Members because he does not provide for largely increased expenditure under other heads in which they are more particularly interested: he does not fulfil their ideal of a successful Financial Secretary who should distribute liberal grants from a large surplus. He is in fact nobody's friend.

"There are a few references to the form of the statement which call for notice. The Hon'ble Member who represents the University and the Hon'ble Rai Kishori Lal Goswami Bahadur are not yet satisfied with the amount of information supplied to enable Hon'ble Members to criticise the Budget. All I can say is that more information has been given than was ever supplied before; and I have done what was possible to meet the requests made by Hon'ble Members in this respect last year. During the last three years, moreover, unofficial meetings have been held beforehand, so as to enable the non-official Members to obtain any information they wanted, and that could be reasonably given. I have noticed, however, that even when full explanations have been given and information supplied at these unofficial meetings, exactly the same questions and demands for information are afterwards made in this Council.

"The Hon'ble Babu Rai Kishori Lal Goswami Bahadur asks for information to show to what extent allotments made for useful public purposes in a year have not been wholly or partially utilised during the year, together with explanations showing how far the unexecuted portions of such works are covered by

re-grants in succeeding years. The Hon'ble Member cannot realise what an expenditure of time and labour it would involve to give this information in respect of every single work. In the case of grants made to local bodies, we have not got the information. If the Hon'ble Member would apply in respect of any specific work or works, Government would gladly obtain the information for him; but it is wholly outside the scope of the Financial Statement to provide details of this nature. Under the head 'Civil Works,' the most important items only are separately mentioned in the Financial Statement. If the Hon'ble Member had asked me for a copy of the complete list prepared in the Public Works Department, I am sure the Hon'ble Mr. Thomson would have gladly supplied it. In paragraph 95 of the Financial Statement referred to by the Hon'ble Member, the works mentioned are works that are being carried out by the Public Works Department. Petty works of construction and repairs which are not executed by the Public Works Department, are shown under the departmental heads. The provision in the Education budget for improvements at the Presidency College, the Sanskrit College and the Calcutta Madrassa are not for buildings but for improvements in laboratories, etc., and for additional staff and establishment. The provision of 2 lakhs for Guru-training schools, similarly, is not shown under Civil Works in charge of the Public Works Department, but under the departmental head 'Education,' as the school buildings in question are not being constructed by the Public Works Department officers, but under the supervision of officers of the Education Department.

"The Hon'ble Babu Radha Charan Pal suggests that, to permit of useful discussions on the Budget, a monthly statement of the progress of expenditure and revenue by minor heads with explanation of any increase or decrease under each head as well as an appropriation report should be prepared and circulated to the Members. Even the Local Government does not receive such explanations. It would be quite impracticable to supply them to Members. The Accountant-General, Bengal, sends in manuscript to Government some five or six weeks after the close of the month to which the figures relate a monthly consolidated abstract of (*a*) receipts, and (*b*) expenditure, comparing the figures with those of the previous year. No explanations of increases or decreases are given in these abstracts; nor would it be possible without incommensurate labour to supply such explanations. An appropriation report on the civil accounts is received by Government about seven months after the close of the year. This report, however, does not show Provincial figures separately. Neither of these sets of accounts shows final figures. It has recently been decided that copies of the annual Appropriation Report will be sent to Hon'ble Members on their applying for them.

"The Hon'ble Babu Deba Prasad Sarbadhikari appears to be still under a misapprehension in regard to the grant of 50 lakhs for the Calcutta Improvement Scheme. He has spoken of this sum being 'unwarrantably treated as part of the supposed-to-be-available cash balance' and has said that part of it has been 'swept away along with the general balance,' etc., etc. In the consideration of our own financial position, this grant has always been left out of account, as has been repeatedly explained in this Council. If this money had been available for re-appropriation, there would have been no necessity for moving the Government of India for a special grant. What happened was that we overdrew our balance to the extent of about 8 lakhs only. The Government of India had in the middle of last year specially authorised us to overdraw our balance, as they recognised that the conditions of the year were extraordinary and that it was inevitable that we should overdraw. Perhaps the Hon'ble Member may understand the position if I speak of the Improvement Trust grant as a fixed deposit, and of our ordinary account as a current deposit account. We overdrew our current deposit account with the Government of India, with their permission and approval: we did not withdraw our fixed deposit. The Government of India have declined on principle to allow the 50 lakhs grant to be placed out at interest, and whether times be good or bad they will not consent to this being done.

"The Hon'ble Babu Radha Charan Pal speaks of a deficit in the current budget of nearly 17 lakhs. If he will look at the Financial Statement,

however, he will see that the deficit is Rs. 8,77,000. The same Member has made some comments on the estimate of receipts under the head Stamps and Excise. He points out that during the last five years the average increase of revenue under the head of Stamps has been about 4½ lakhs a year; but in this estimate he has included the year 1908-09 when the receipts were abnormally low. If he will look at the figures for the four years 1904-05 to 1907-08, he will find that the average increase during those years was a little over 7 lakhs *per annum*. The receipts during 1908-09 were admittedly abnormal. We expect, therefore, that during the current year there will be more than the normal increase as compared with the actuals of 1908-09. In other words, taking the two years 1908-09 and 1909-10 together we have estimated for a total increase during the two years of Rs 9,12,000, as against an average increase of Rs. 14,00,000 during each of the two preceding two-year periods. If the figures for Excise receipts are looked at in the same way, it will be clear that the estimate for the current year is justified by previous actuals.

"The same Hon'ble Member is correct in thinking that some provisional relief has been afforded to ministerial officers in anticipation of the final orders of the Secretary of State on the recommendations made by the Ministerial Officers' Salaries Committee. The scale of salaries has been revised with special reference to the increased cost of living, so as to give substantial relief to this indispensable class of officers. The proposals in question have been submitted by the Government of India to the Secretary of State; and this Government hopes that there will be little further delay in giving full effect to them.

"The Hon'ble the Nawab Bahadur of Murshidabad and the Hon'ble Mr. Larmour have referred to the useful improvements that have been carried out at the Campbell Hospital, and the latter Member suggests that measures should be taken to increase the permanent accommodation for small-pox patients at that hospital and also to construct another small-pox hospital in the north of the city. The existing ward for small-pox patients at the Campbell Hospital has recently been enlarged and improved at a cost of Rs. 42,000. Owing to the large influx of patients due to the present unprecedentedly severe epidemic, temporary sheds have also been erected in the compound, and the plague ward is also being used for small-pox patients. Plans are now ready for a project which will largely increase the permanent accommodation at this hospital in more suitable buildings; and the work will be taken up as soon as funds can be provided. But the work cannot be put in hand until the present epidemic subsides, as some existing buildings have first to be removed. To meet the present emergency, steps were taken six weeks ago, in consultation with the Inspector-General of Civil Hospitals, Major Vaughan, the Chairman and the Health Officer of the Corporation, to arrange for the construction of a temporary hospital at Tiljala at an estimated cost of Rs. 16,000, the charges being met by Government and the Corporation in equal shares. The necessity for a second permanent hospital for the northern portion of the city will receive due consideration, in consultation with the Inspector-General of Civil Hospitals and the Medical Department of the Calcutta Corporation.

"In reference to Mr. Larmour's suggestion for legislation to prevent people travelling by rail who are known to be suffering from small-pox, I may mention that section 71 of the Indian Railways Act already provides for the case; and this section has been used in respect of persons suffering from plague.

"Three of the Hon'ble Members have referred to the question of measures for the prevention of malaria. This subject has received the constant attention of Government. At the last meeting of Council, I referred to the measures that were being taken for extending and popularising the use of quinine. One of the proposals made by the Drainage Committee was that a systematic inquiry should be made during the fever season into the prevalence of malaria, and as to the extent to which deaths reported from fever are in reality due to malaria and the conditions governing the distribution of the disease. Our proposals to give effect to these recommendations were accepted by the Government of India, and Captain W. H. C. Foster, I.M.S., an officer with special qualifications for this kind of work, was placed on special duty

in July last with two Assistant Surgeons and six Hospital Assistants, to carry out such an inquiry. The period of Captain Foster's deputation expired on the 31st of March; and his report will be received almost immediately. Besides this measure, 17 itinerant Civil Hospital Assistants were deputed in June last to certain specified areas most infected with malaria in the districts of Murshidabad, Nadia, Khulna, Jessore and the 24-Parganas, to distribute medical aid to the people free of charge during the fever season. A report has recently been received from the Inspector-General of Civil Hospitals which shows that these operations have been a success, and that the services of the Civil Hospital Assistants have been much appreciated by the people. The anti-malarial operations started in previous years were continued in the town of Ranaghat and in the North Barrackpore Municipality. In both cases the Sanitary Commissioner has been able to report that some success has been attained. Such operations are, however, even in small limited areas like these, very expensive, and it is clearly impracticable that they should be adopted all over the Province. The question of creating a special Engineering Division for the purpose of examining drainage conditions and preparing projects for the improvement of drainage is still under correspondence with the Government of India. Jungle clearing is a matter for the local authorities to deal with, and does not call for special grants from Government.

"The Hon'ble Babu Radha Charan Pal refers to the question of septic tanks. The Inspector of Factories for whom the provision referred to provides, is the Inspector appointed under the Factories Act, and has nothing to do with the inspection of the septic tank installations. Government has decided, however, to appoint an Inspector of Septic Tank Installations, with a view to their more efficient working. In regard to the question of the contamination of the water of the Hooghly by the effluents, the Hon'ble Member is referred to the deliberations of the Committee that sat a little more than four years ago when Mr. Shirres was Secretary, to the conclusions of that Committee and to the orders of Government thereon. The Lieutenant-Governor then came to the conclusion that if certain conditions were complied with, there would no longer be any sanitary ground for opposing these installations. The whole subject, which is one of considerable difficulty, has again recently been under the consideration of Government, as I have already informed the Hon'ble Member. I also told him that I would be very pleased to show him all the correspondence and notes on the subject. But he has not availed of my offer. The Lieutenant-Governor contemplates appointing a small representative committee, on which the Mills as well as the Hindu population will be represented, to consider the most suitable method of dealing with the effluents. The Hon'ble Member makes a very serious allegation when he says that since the effluents have been discharged into the Hooghly the health of the population of these tracts has suffered. Such statements as this are likely to give rise to grave misunderstanding, and I think the Council will agree with me that they should not be made without full inquiry and consideration. The Sanitary Commissioner, who has been consulted by me, reports, on the contrary, that the general health of the riparian towns affected by the septic tank installations has considerably improved during the five years 1904-1908 as compared with the preceding five years 1899-1903, both on the Calcutta and on the Howrah side of the river. The mortality figures for the towns on the Calcutta side show a death-rate of 27·45 per mille as compared with 34·70 per mille; and the figures for the towns on the Howrah side, a death-rate of 36·85 as compared with 41·32.

"The Hon'ble Babu Deba Prasad Sarbadhikari refers to 'hopes held out' last year of bettering the status of the Assistant Surgeons' service. What I said last year was that memorials had been received from certain Assistant Surgeons 3 or 4 days before the Budget discussion, and that they would receive full consideration at the hands of Government. This consideration was given, and proposals were submitted to the Government of India in May last, recommending certain improvements in the pay and prospects of these officers. The Government of India, however, have not been able to accept

our proposals. They have suggested a different way of dealing with the problem; and the whole question is now under discussion.

"The Hon'ble Babu Radha Charan Pal has suggested Diamond Harbour as an excellent place for a sanitarium such as the Maharajadhiraja Bahadur of Burdwan has in view. The Hon'ble Member seems to have taken a particular fancy to Diamond Harbour, as he has referred to it for three years running as a desirable Health Resort. The scheme of the establishment of a sanitarium for the poorer classes, as sketched out by the Maharajadhiraja Bahadur of Burdwan, has been referred to a special committee. I have been advised that Diamond Harbour would not be a suitable place for the kind of sanitarium intended. So far the choice has fallen upon Simultala. But it will be a long time before the scheme can be given effect to.

"The Hon'ble Babu Deba Prasad Sarbadhikari complains that the grants made by Government towards the Puri Drainage and Water-works scheme are insufficient. He says that the sanitation of important places of pilgrimage and health resorts like this ought to be a matter of Government concern. I consider this a most unreasonable complaint. Government has a year ago given a grant of $\frac{3}{4}$ths of a lakh towards the Drainage scheme, and has already, last year, paid one lakh towards the Water-works scheme, that is to say, in two years 1$\frac{3}{4}$ lakhs have been given to this town alone, while hope has been held out of further assistance. This is, so far as I know, unprecedented generosity towards any one town; and on the face of it, it is surely conclusive evidence that Government regards the sanitation of the place as a matter of concern.

"The Hon'ble Mr. Graham has referred to the remarkable disparity between the total of the subscriptions from the European community and from the Indian communities towards the cost of the nursing arrangements at the two large hospitals in this city. Government has already referred to this matter in its Resolution of the 5th February on the report of the Nursing Arrangements Committee. The figures given in the Resolution for the three years 1905 to 1907 show that the proportion of subscriptions from the different communities is as stated by the Hon'ble Member. It has also been pointed out that in the Medical College and connected hospitals more than two-thirds of the patients are Indians. The Lieutenant-Governor has already expressed the hope that the Indian communities will heartily respond to an appeal for further subscriptions. It is understood that the General Committee of the Calcutta Hospital Nurses' Institute are taking steps to make a systematic appeal in this direction.

"Then there comes the Hon'ble Mr. Das' question in regard to feeder roads. The allotment of 2 lakhs is for feeder roads in all parts of the Province. It is a lump allotment, and no portion has yet been distributed. When the local officers require grants, they apply to Government: this provision is made to meet such applications.

"For the Hon'ble Mr. Larmour's information I may say that a draft Bill to give effect to the proposals for an Improvement Scheme for Calcutta was drawn up by this Government last year. The fact that it contained 191 clauses should satisfy the Hon'ble Member that it is a subject that cannot be disposed of with much haste.

"It is very gratifying to Government to hear from the lips of the Hon'ble Babu Gajadhar Prasad of the general satisfaction with which the recent orders in regard to the selection of the sites for liquor shops have been received by the public.

"When presenting the Financial Statement, I fully explained the untoward causes that had combined to deplete the Provincial balance. I am afraid from certain remarks that have fallen to-day, one or two of the Hon'ble Members have failed to understand those reasons. On that occasion I took the period of four years, 1906-07 to 1909-10, and I showed that within this period, owing to extraordinary circumstances, unforeseen charges for which no provision had been made in the Provincial Settlement, aggregating a little over 60 lakhs of rupees, had fallen upon our revenues; and I showed that this more than accounted for the depletion in the balance. Perhaps it will make it simpler for the Hon'ble Members if I confine attention to two years only, viz., 1908-09 and 1909-10. At the close of 1907-08 we had a balance of 21$\frac{1}{2}$ lakhs. (I omit the 50 lakhs grant for the Calcutta Improvement Scheme altogether.) This is,

therefore, what we started the year 1908-09 with. The Government of India have also given us an additional grant of Rs. 16,95,000. This makes a total, say, of 38¼ lakhs. Now, during the past year and the current year (taking the budget estimate as our guide for the current year) we shall have had to incur unforeseen and extraordinary charges that were not anticipated at the time of the last settlement, amounting to some 40½ lakhs. I shall explain what these are—Firstly there is the grain-compensation allowance which, we estimate, will amount to 10½ lakhs in 1908-09 and 9½ lakhs in 1909-10, or a total of 20 lakhs in the two years. Secondly, there are the charges for the relief of famine and distress, amounting to Rs. 2,62,000 in 1908-09 and Rs. 9,14,000 in 1909-10, or a total of Rs. 11,76,000. Thirdly, there are the extraordinary law charges and charges under Police and Jails due to the outbreak of anarchism and sedition which, during the year 1908-09 alone, I now estimate, will amount to 8½ or 9 lakhs. In addition to these extraordinary charges, we are confronted with an extraordinary loss of revenue under the heads Land-revenue, Stamps and Excise, aggregating 5¼ lakhs. The grand total of unforeseen charges and loss of revenue during this period will, therefore, amount to nearly 40 lakhs, as compared with the reduction in the balance of 38¼ lakhs. I do not think I can make these figures clearer. On the other hand, I think I may justly say that in these two years there has been no unnecessary expenditure permitted under any heads except perhaps for the Fisheries Inquiry and the grants given to local bodies to help them with various schemes of water-supply, sanitation, etc., such as 1¾ lakhs given to Puri, which, however, the Hon'ble Member opposite not only regards as legitimate but also wishes us to regard as inadequate.

"From the Financial Secretary's point of view, such complaints as have been heard to-day fall, broadly speaking, under two heads:—

(1) that the non-official Members of Council have insufficient opportunities of criticising the details of the budget and of helping to shape it before it finds its final form as passed by the Government of India; and

(2) that there will be no balance at the end of the year.

In regard to the first head, we expect, Sir, that before the next Financial Statement is presented to this Council, the new Reform scheme will have come into force, and the new principles and details of budget discussion been introduced; and these, it is hoped, will leave nothing further to be desired by the keenest Member. In regard to the second head, I can only say that we all pray that the monsoon rains may be full and seasonable; that trade and commerce may briskly revive; and that the foul disease of anarchism and sedition may be swept off from the face of the land, and peace and goodwill restored."

The Hon'ble THE PRESIDENT said:—"Gentlemen of the Council,—At the last meeting of the Council I made an appeal to Hon'ble Members to restrict the length of their speeches, and also to confine themselves, so far as might be possible, to matters directly arising out of the budget. That appeal has met with a ready and cordial response. I wish to associate myself with what has fallen from the Hon'ble Mr. Oldham on this matter. I desire to express my appreciation of the successful efforts which Hon'ble Members have made both to condense their remarks, and to confine them within the limits of the Financial Statement. It will be our duty to make such fitting return to them as we can, by according to their comments and suggestions the most attentive consideration in our power. Neither can I allow the occasion to pass without paying a tribute to the excellent sense and good temper which are manifest throughout the remarks of all the Hon'ble Members, notwithstanding that they were discussing a budget which, from causes beyond our control, presents little to attract the imagination or excite our enthusiasm. This is an excellent augury for thet future. Hon'ble Members have wasted no time in crying over spilt milk, an have indulged in no recriminations in our adversity. There is all the more reason to hope that when better times return, and we have money to spend,

they will prove themselves equal to the greater trials and temptations of prosperity. We shall do our utmost to place those temptations in their way.

"Before touching on one or two points of detail which have arisen in the remarks of Hon'ble Members, I should like to make two remarks of more general character.

"Two Hon'ble Members—the Hon'ble Babu Radha Charan Pal and the Hon'ble Rai Kishori Lal Goswami Bahadur—have expressed disappointment at the restrictions which they consider I have sought to impose on the debate on this occasion. Gentlemen, I do not wish my remarks to be taken in that light. I am well aware that the privilege of free discussion of the affairs of the Province is highly esteemed by the non-official Members of the Council, and during many years a long series of Hon'ble Members have struggled to discharge their duty in this respect with advantage both to the public and to the Government and at the cost of no small labour to themselves. If the present constitution were going to remain unaltered, I should not propose for a moment to modify the practice which has grown up in response to a general demand. My point is—and I endeavoured to make it clear when I addressed Council on the last occasion—that when the new constitution is introduced (as will be the case before long), it will be neither necessary nor even possible to concentrate this discussion on the single occasion of the budget. It will not be necessary, because the Hon'ble Members will in future enjoy many opportunities of raising discussions on matters of public interest, opportunities which are not at present allowed under the statute. Moreover, it will not be possible; because if the members of the enlarged Councils attempted to discuss the whole affairs of the Province at the same length and with the same disregard of logical connection as heretofore, the budget debate must be interminably prolonged, while the proceedings would be liable to be involved in very undesirable confusion.

"I thought it would be good discipline if we were to begin without delay to accustom ourselves to the greater regularity and stricter attention to relevance which will be inevitable under the new constitution. There has never been any intention to take away any privilege which Members now possess. On the contrary, a primary object of the reforms is to enlarge and not to contract the opportunities for public discussion.

"The other point to which I desire to refer is this. I observe that at least two Hon'ble Members—the Hon'ble Member for the University and the Hon'ble Rai Kishori Lal Goswami Bahadur—have divided their remarks into two parts. In the first part they have dealt in a more or less general way with the broader features of the budget; while in the latter they have discussed more briefly a number of detailed points under different headings.

"Now, Gentlemen, under the present system we have nothing that can be described as the Committee stage of the budget, such as exists in the House of Commons or the French Chamber of Deputies. But under the new system there will be an arrangement approximating to the Committee stage; and it occurs to me that it might tend to facilitate business if the discussion of details, *i.e.*, points of relatively minor importance, were relegated to that stage, while the general debate might be reserved for the broader aspects of the budget as a whole. It seems to me that such a distribution of work would not only make the proceedings more orderly and businesslike, but that it would be more effective. For it is only at the Committee stage that any modifications of detail can really be introduced in the budget. At that stage it has not yet crystallized into its final form, and it will still be practicable to make minor modifications in it if such should commend themselves to the Council and the Government.

"Perhaps Hon'ble Members will kindly consider this suggestion at their leisure. There will be plenty of time before the new system comes into operation to let me know whether they think it feasible and likely to be beneficial.

"I will now refer to some of the remarks that have fallen from various Hon'ble Members to day. Most of those have been adequately replied to by the official Members of my Government, and I do not propose to touch upon them. But there are one or two which I desire to mention briefly.

[*The President.*]

"The Hon'ble Mr. Graham has asked for an expression of opinion in regard to the proposals that have recently been made public regarding the future of the Eastern Bengal State Railway.

"The Hon'ble Member may have noticed the reply which was given by the Hon'ble Mr. Harvey in the Imperial Council when a similar question was put to him by the Hon'ble Mr. Apcar. Mr. Harvey said that 'the relief from the necessity of providing funds annually for capital expenditure is the only attractive feature of the proposals, and we realize that there may be disadvantages which will more than counterbalance this.' These words exactly express my views. I may add that the relief from the liability to provide capital will only be obtained at the cost of paying more highly for it, and this extra cost will necessarily have to be borne in the long run by the trade carried by the railway.

"I am glad that Mr. Graham has referred to the cost of the nursing arrangements in the Calcutta hospitals. I quite agree with him that it is unreasonable to expect the European community to raise another Rs. 50,000 a year over and above what they contribute now for this purpose. The Indian public benefits from the services of the nurses at least as much as the Europeans, and I rather think in an even larger degree: and it is remarkable that a people whose large-hearted charity is one of their most honourable national characteristics should have failed so conspicuously to contribute their fair share in this particular case. I trust that the appeal which Mr. Graham has made, and with which I desire to associate myself, will not fall on deaf ears, and that this reproach may quickly become a thing of the past. In this connection I am glad to be able to announce that Dr. K. C. Bose, always foremost in well-doing, has already succeeded in obtaining annual subcriptions of Rs. 500 from some of his former patients for this object. Our acknowledgments are due to him and to the subscribers for their public spirit and I trust that their example will be largely followed.

"While on the subject of medical charity, I may mention that I have called for plans and estimates for a new small pox block at the Campbell Hospital, and if the financial position should improve during the year, I will have it put in hand at once. I fear however that there is no likelihood of our constructing a second permanent hospital of this kind, as suggested by the Hon'ble Mr. Larmour.

"Several Hon'ble Members have repeated the annual inquiry as to the prospect of the Calcutta Improvement Scheme. Last Monday in the Imperial Council, Sir Harvey Adamson explained that the Bill was still with the Government of India, where it was undergoing examination. This was something of a disappointment to me, for I had hoped that it might by this time have reached the India Office, where it still has to run the gauntlet. Even as it is, however, I am still not without hopes that it may return to us in time for introduction next cold weather. In that event, it may form the *piece de resistance* of the first session of the reformed Council.

"The Hon'ble Maharajadhiraja Bahadur of Burdwan and some other Hon'ble Members have referred with regret to the postponement of the Ranchi College, in which Sir Andrew Fraser took so great an interest. It is a matter of much regret to us that it has not been found possible to proceed with this scheme during the current year. But no funds were available, and the decision was inevitable. Meanwhile certain other considerations have been brought to my notice, and the project is being further examined. I am not yet in a position to announce what the final decision will be. But I shall take careful note of the vigorous defence of the scheme which has fallen from the Hon'ble Rai Kishori Lal Goswami Bahadur and the Hon'ble Maharajadhiraja Bahadur.

"Several Hon'ble Members have referred to the Fisheries inquiry, and have intimated more or less clearly that they entertain doubts whether the expenditure incurred is justified. I am inclined to share those doubts, but I do not like to draw back once we have set our hand to the plough. It is perfectly clear that Government is not justified in embarking on the business of supplying fish to the Calcutta market, especially at the cost of heavy net expenditure from public revenues. On the other hand, we are fully justified in inquiring, investigating, and making experiments for the purpose of developing the fish-supply of

[*The President.*]

the Province and in placing the results of our investigations freely at the disposal of the public. For these purposes we may quite fairly incur the unremunerative initial expenditure which private enterprise cannot be expected to defray. But as soon as this programme has been exhausted, it is our undoubted duty to stand aside, and leave the field open to the trade. We are at present only committed up till February of next year. In the meantime I have requested the Hon'ble Mr. Slacke to scrutinize carefully the work that has been done and the progress that has been made with a view to determine whether the time is approaching when the Government should retire from the business.

"I welcome the vigorous words in which the Hon'ble Rai Kishori Lal Goswami Bahadur, has drawn attention to the heavy expense in which this Province has been involved by the measures required for the repression of anarchical crime. That expense is by no means the greatest part of the evil which is caused by these misguided miscreants: but it is sufficiently serious, and I trust that the Hon'ble Member's words may bring home to some sections of the public how gravely they injure the best interests of their country when they refrain from co-operating vigorously with the authorities in stamping out this moral pestilence.

"I do not intend to discuss the question which has been raised by the Hon'ble Babu Radha Charan Pal in regard to the deportations. The Government has reasons for the action it has taken; and it would not be in the interest of the State to make them public.

"I wish to take this opportunity of making some remarks about a matter which has been much before the public of late, and which is of the greatest concern to the future administration of this Province—I mean the formation of Executive Councils for provinces under the administration of Lieutenant-Governors.

"My observations will be confined to this question in so far as it concerns Bengal, partly because it would be neither becoming nor useful for me to speak of provinces with which I have no first-hand acquaintance, and partly because, just as the present Councils in other provinces of Northern India and Burma differ from that of Bengal in size, composition and powers, so it may reasonably be anticipated that the Councils of the future will present similar variations.

"As regards Bengal, I venture to think that I may claim to speak with some degree of authority, by reason of my long service in this Province, and my prolonged association with the Local Government and the Bengal Legislative Council. It may also not be out of place to mention that, as a Member of the Viceroy's Executive Council, I have been associated with the inception and evolution of the present scheme of reform from the time when His Excellency the Viceroy sowed the first seed in the summer of 1906 down to the time when I left India last year.

"This last consideration is of special importance because these reforms are the paramount reason for the early creation of an Executive Council for Bengal, a measure which, in my judgment, is now a matter of pressing and urgent necessity.

"When the project enunciated by the Secretary of State shall have been brought into operation—and that will probably be before the next winter session—the Legislative Council will have been considerably more than doubled in numbers; it will have been vested with greatly enhanced powers for the discussion of the budget; for initiating debates on subjects of public interest and importance; for proposing resolutions, and for asking supplementary questions; and it will comprise a substantial majority of non-official Members.

"In these altered conditions, it is manifest to any one acquainted with the working of Indian Governments that the length of the Council sittings will be greatly prolonged. At a moderate estimate, the duration of the session will extend to the working days of an entire month in excess of what it amounts to now, not of course continuously but on the working of a twelve-month. It is also certain that the preparation of work for the Council will occupy double or treble the time that it does at present. Moreover, in view of the fact that there will be a majority of non-officials, who must be convinced and cannot be outvoted by force of numbers, it will be necessary in future to

devote much time and labour to preliminary negotiation and private discussions, in order that proposals brought forward by non-official members may be presented in a form in which they can be considered instead of being uncompromisingly rejected.

"To any one who realizes the burden of work which devolves on the head of the Bengal Government under present conditions, it will be manifest that the Lieutenant-Governor cannot undertake these additional duties without assistance. It will be impossible for him to do all that he does now, and, in addition, to sit for another month in Council, to spend another fortnight or three weeks in preparing himself for the debates, and to devote a further indefinite period to extra-parliamentary discussion of public questions with the non-official Members of the Council. Even if it were physically possible for him to undertake this work, there is much of it which, from its character, it is undesirable for him to take up. In the Imperial Council it has long been an accepted canon of procedure that the Viceroy shall not be called on to intervene in debate save in matters of real moment, and that questions of common controversy shall be dealt with by some appropriate member of his Executive Council. I do not seek to push this analogy too far: but it holds good in the Provincial Councils already to some extent, and it will assume vastly greater importance in the reformed conditions which are now imminent.

"The natural and appropriate solution of these difficulties is the creation of an Executive Council. A member of such a Council will be the colleague and not the mouthpiece of the Lieutenant-Governor. Though he will be in primary charge of his own portfolio, he will be required to possess a knowledge of the policy of the Government in every branch of the administration which no head of a department can acquire; he will share the responsibility for all acts of State in a degree which can never devolve upon a member of the Secretariat; and when it falls to him to announce the decision of Government on any matter, he will be able to speak as one having authority, and not as the scribes.

"There are other arguments that might be adduced in support of my contention, and it is the fact that some of them have weighed strongly with me in its favour. But certain of those are perhaps not very suitable for public discussion, and in any event I have probably said enough. More significant than any argument is the remarkable consensus of opinion in this Province in favour of the measure. As regards the official classes, I have consulted certain of the most experienced, responsible and highly placed members of my Government, and I have found them without exception of the same opinion as myself. To some of them, I should add, I am indebted for certain of the arguments which I have used to-day. As regards the Indian public it is unnecessary to say anything. All shades and sections of the community have joined in the prayer for the formation of an Executive Council in Bengal. In respect of the non-official European public, one might have been prepared for more hesitation: yet what do we find? There are five principal English papers published in Calcutta, the *Englishman*, the *Statesman*, the *Daily News*, the *Empire* and *Capital:* and out of these no less than four have voted decisively in favour of a Council: the *Englishman* alone holds out. I think it is not an unfair inference that fully four-fifths of informed European non-official opinion in the capital of the Province is prepared to support the view which has commended itself to the Secretary of State and the Government of India.

"For myself, I will merely say that if the measure should eventually become law, I shall lose no time in submitting proposals for the early formation of an Executive Council in Bengal, and I shall trust that this may be brought into being in time to share the labours which the new reforms will undoubtedly impose upon us.

"Gentlemen, I thank you for the patience with which you have listened to me, and I wish you all a pleasant holiday."

The Council was then adjourned *sine die*.

CALCUTTA;
The 23rd April, 1909.

F. G. WIGLEY,
Secretary to the Bengal Council.

B. S. Press—19-4-1909—200J—300—W. M. D'C.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met in the Durbar Hall at Government House, Darjeeling, on Wednesday, the 16th June, 1909, at 11 A.M.

Present:

The Hon'ble SIR EDWARD BAKER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble MR. F. A. SLACKE, C.S.I.

The Hon'ble MR. W. C. MACPHERSON, C.S.I.

The Hon'ble MR. E. W. COLLIN.

The Hon'ble MR. F. W. DUKE.

The Hon'ble MR. J. G. CUMMING.

The Hon'ble MR. H. WHEELER.

The Hon'ble MR. A. S. THOMSON.

The Hon'ble MR. E. P. CHAPMAN.

The Hon'ble MR. E. GEAKE.

The Hon'ble SIR BIJAY MAHTAB, K.C.I.E., MAHARAJADHIRAJA BAHADUR OF BURDWAN.

The Hon'ble MR. M. S. DAS, C.I.E.

NEW MEMBERS.

The Hon'ble MR. H. WHEELER and the Hon'ble MR. E. GEAKE took their seats in Council.

QUESTIONS AND ANSWERS.

MIDNAPORE CONSPIRACY CASE.

The Hon'ble SIR BIJAY MAHTAB, MAHARAJADHIRAJA BAHADUR of Burdwan, asked :—

(*a*) Is the Government prepared to make any statement regarding the nature and scope of the inquiry which is to be conducted by Mr. Macpherson into the Midnapore Conspiracy Case ?

(*b*) Is it intended that the proceedings shall be open to the public ?

The Hon'ble MR. DUKE replied :—

"I lay on the table a copy of the instructions which have been issued to Mr. Macpherson, and in which the nature and scope of the inquiry are set forth.

"In regard to the second part of the question, Government does not propose to issue any special orders. No doubt some parts of the proceedings will be of such a character that they might be conducted in public without objection, but other parts will probably be of a delicate and even confidential character, and it might gravely imperil the success of the investigation if they should be made public prematurely. As stated in the last clause of the instructions, the Lieutenant-Governor does not intend to fetter the discretion of the Commissioner in the conduct of the inquiry."

Annexure to the above reply.

MEMORANDUM OF INSTRUCTIONS.

THE High Court have now disposed of the appeal in the Midnapore Conspiracy Case. All the accused have been acquitted and severe strictures have been passed by the Hon'ble Judges on the methods adopted by the police and other officers responsible for the prosecution. The time has accordingly come to set on foot the inquiry into the inception and conduct of the case, which, in answer to the allegations made by Mr. Dutt and others during the magisterial proceedings, the Government had expressed its readiness to institute when the judicial proceedings should be concluded.

The Lieutenant-Governor has decided to entrust the inquiry to Mr. D. J. Macpherson, C.I.E., Commissioner of the Burdwan Division, who assumed charge in the middle of November, when proceedings before the committing Magistrate were already far advanced. The following notes regarding the subjects to which his attention should be directed are recorded for his guidance :—

HEADS OF INQUIRY.

1. The suggestion that the Midnapore Conspiracy Case was not genuine and did not proceed from *bonâ fide* information honestly obtained was first definitely made in Mr. Dutt's telegram of the 17th August, 1908, and the letter of the 27th idem, with which he followed it up. The first step should therefore be to examine the evidence which may be forthcoming in support of the allegations made by Mr. Dutt in the documents referred to and any other evidence which Mr. Macpherson may think likely to throw light on the subject.

2. But apart from such allegations, in view of the result of the prosecutions, another branch of the inquiry will be to ascertain whether the information upon which the proceedings were based was worthy of the credit which it received; whether the proceedings themselves were properly conducted, and whether, as a matter of fact, the case was at the bottom a genuine one.

3. It is necessary therefore to consider whether the police and district authorities had grounds for suspecting that there was something going on at Midnapore which required special vigilance, and in the next place whether the measures they took to ascertain what was going on were reasonable and proper.

4. Further, it is necessary to ascertain whether the information which they obtained was properly dealt with, whether the tests and scrutiny which

could be applied were applied, and whether all important information subsequently stated to have been received by the police was duly and promptly brought to the notice of the superior authorities in the district or of the Criminal Investigation Department as it was received.

5. It should also be ascertained whether the information obtained was so important and apparently so trustworthy as to demand decisive action, and whether the action actually taken was appropriate.

6. Next, it should be determined whether, after decisive action had been taken, accused persons arrested and a case instituted, the conduct of the case by the police was right and legal, the treatment of the accused persons while in custody both in jail and out of it was fair and in accordance with law, and the supervision by the District Magistrate and his staff was attentively and anxiously directed to further the ends of justice. For this purpose the officers whose conduct has been impugned should have the fullest opportunity of explaining matters and of directing attention to any evidence which may be available and to any means of eliciting information on material points.

7. Lastly, it is necessary to arrive at general conclusions as to whether there was at bottom a genuine case requiring action, and whether the conduct of officers of all ranks in relation to it was fair and straightforward and such as could be attributed to honest zeal in the performance of their duty.

8. It is believed that these instructions will cover all the points affecting the action of the local officers, to which attention has been directed in the judgment of the High Court. If, however, that should prove not to be the case, it should be clearly understood that the inquiry is intended to extend to all such matters, and that the report should deal with them with such completeness as may be requisite.

9. It will be clearly understood that the present inquiry is neither exclusively nor even primarily restricted to the individuals or the circumstances lately under consideration by the High Court. The Lieutenant-Governor desires that it should include everything which in the Commissioner's opinion is likely to throw light on the existence of a conspiracy directed against the Government and the persons, if any, concerned therein, whether they have appeared before the Courts or not.

Subject to these instructions, entire discretion is left to Mr. Macpherson as to his procedure and methods in the conduct of the inquiry.

THE BENGAL EXCISE BILL, 1909.

The Hon'ble Mr. Macpherson moved that the Hon'ble Mr. Wheeler and the Hon'ble Mr. Geake be added to the Select Committee on the Bill to consolidate and amend the Excise Law in Bengal.

He said:—"The Hon'ble Mr. Oldham, who was appointed to be a member of the Select Committee at a former meeting, is no longer on the Council. I beg to move that the Hon'ble Mr. Wheeler and the Hon'ble Mr. Geake be added to the Select Committee. I may mention that the opinions received on the Bill have been printed and circulated to all Members of Council, and that a précis of the opinions, arranged clause by clause, has been circulated to members of the Select Committee. It is hoped that the Select Committee will meet in Calcutta the day after to-morrow, and that our Report may be submitted at the end of June or beginning of July, and that it will be presented to the Council at its first meeting in July.

"I now ask, Sir, that the motion which stands in my name be put to the Council."

The motion was put and agreed to.

The Council was then adjourned to the 13th July, 1909, to meet then in Calcutta.

CALCUTTA,
The 23rd June, 1909.

F. G. WIGLEY,
Secretary to the Bengal Council.

B. S. Press—24-6-1909—1062J—300—C. A. P.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met in the Council Chamber on Tuesday, the 13th July, 1909, at 11 A.M.

Present:

The Hon'ble SIR EDWARD BAKER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble MR. F. A. SLACKE, C.S.I.

The Hon'ble MR. W. C. MACPHERSON, C.S.I.

The Hon'ble MR. E. W. COLLIN.

The Hon'ble MR. F. W. DUKE.

The Hon'ble MR. J. G. CUMMING.

The Hon'ble MR. H. WHEELER.

The Hon'ble SIR CHARLES ALLEN, KT.

The Hon'ble MR. E. P. CHAPMAN.

The Hon'ble MR. F. L. HALLIDAY, M.V.O., C.I.E.

The Hon'ble MR. E. GEAKE.

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, M.A., B.L.

The Hon'ble SIR BIJAY MAHTAB, K.C.I.E., MAHARAJADHIRAJA BAHADUR OF BURDWAN.

The Hon'ble BABU DEBA PRASAD SARBADHIKARI, M.A., B.L.

The Hon'ble BABU RADHA CHARAN PAL.

The Hon'ble MR. M. S. DAS, C.I.E.

The Hon'ble MR. C. W. N. GRAHAM.

The Hon'ble RAI NALINAKSHA BASU BAHADUR.

NEW MEMBERS.

The Hon'ble MR. F. L. HALLIDAY and the Hon'ble RAI NALINAKSHA BASU, BAHADUR, took their seats in Council.

[*Mr. Das.*]

THE ASSASSINATION OF SIR WILLIAM CURZON WYLLIE.

The Hon'ble MR. DAS said :—

"Less than two years ago it was my privilege to meet the late lamented Sir Curzon Wyllie. For an Indian in England to know him was to forget that he was among strangers in a foreign country. One found in him a friend who was in quest of opportunities to be a guide to his feet and a light to his eyes in a foreign land. In life he testified to the Englishman's courtesy and kindness towards the stranger: in death he glorified the noble virtue of benevolence.

We look upon his death with feelings of intense grief, and feel it our sacred duty to express our condolence to Lady Wyllie in her irreparable loss and to the bereaved family of Dr. Lalcaca, who met with death in the noble efforts to save an innocent and precious life.

I cannot find words to express my feelings towards the loathsome perpetrator of the crime. To call him a murderer or an assassin is to do him an honour, for murder and assassination have sometimes been committed in vindication of violated rights or in the precipitancy of wounded feelings. Human nature in its lowest depths of degradation and debasement does not furnish the colours wherewith one can paint this man's character. He reminds one of the snake in the fable which bit the hand which fed it with milk. The man whose mind, though educated, conceived such a crime must have a viper's head on human shoulders. It is the viper's head which converts healthy food into deadly poison.

The perpetrator of this detestable crime when produced before the Magistrate claimed to be ranked among the patriots of India. His associate during the last few moments of his life will be the hangman, and that will show how his claim is received by the custodians of Justice and Law; but it is the duty of our leaders, specially those who have opportunities of influencing the rising generation, whether such influence is exercised from the political platform, the lecture-room, the editorial desk or in friendly intercourse, to pronounce in unequivocal and emphatic terms their estimate of the man and the crime.

I believe that a false conception of patriotism and a desire to secure the glorious memory of a patriot at a cheap price are responsible for the whole series of anarchist's crimes recently perpetrated. Neither the India Office nor the Government of India are responsible for these false conceptions—these mistaken ideas. We Indians are responsible for those dangerous conceptions which have converted some youthful minds into the anarchist's workshop. I am not sure that the public demonstrations in connection with some of these crimes did not put a cheap price on the glorious memory of a patriot.

The life of a young man without any idea of his responsibilities as a citizen of an Empire, of his duties and obligations as a member of society, who is yet engaged in study with a view to learn these, is a cheap price for the glorious memory of a patriot. A patriot's glory ought to be the share of a man who works for the good of his country, and if he dies in the struggle he meets with death at the hand of his country's enemies. The wreath of patriotism ought not to crown the head which plots cold-blooded murder. The hangman's noose is the fitting decoration of such a man. This he is sure to receive, and the public ought to cast his memory into a pit of ignominious oblivion.

The time has come when all subjects of the British Empire should sink their differences in colour, creed, caste and political views, and denounce in terms emphatic and unequivocal these dastardly crimes and speak of their perpetrators in befitting terms of contempt and indignation. The father and the family of Madan Lal have given us their estimate of the foul deed, and it is to be hoped that will be accepted as the right standard whereby the public, and especially our young men, should judge these misguided pseudo-patriots.

[*The President; Mr. Macpherson.*]

The Hon'ble the PRESIDENT said:—

"Gentlemen, the words which have fallen from Mr. Das this morning on the subject of the recent murders in London will, I trust, find an echo in the hearts of all right-thinking men in Bengal. I will not detract from their impressiveness by adding any remarks of my own. Not only in this province, but also in many other parts of India, the press and public speakers alike have hastened to denounce this outrage as well as those others which preceded it. Some of these may have been less prominent in the public eye, but I doubt whether they were less insidious in their effects or less dangerous in the long run to public tranquillity. But, gentlemen, it has been pointed out that the time has come when something much more than denunciation is required. The time has come for action. It would be well if all those now present, and also all the greater audience outside, were to read, mark, learn and inwardly digest the forcible pronouncement which was made on this subject a few days ago by Mr. Gokhale at Poona. He has laid down with perfect clearness the lines on which the people of India must act if they desire to put a peremptory end to these ill-aimed atrocities whose only consequence must be the holding back of the national advancement of the country. They must not be content merely to talk. They must organize an active and universal campaign of co-operation with the Government. Parents and guardians must act. Those who hold the conduct of education in their hands must act. Above all, the student community itself must act. These three classes comprehend between them the power of the present and the control of the coming generation. If they will act, and act together, they will wipe out, as with a sponge, all traces of that mischievous movement which might almost be classed with comic opera if it were not on occasion homicidal. But if they fail to use the peaceful weapon that lies ready to their hands, if they abdicate their authority in favour of a handful of young men of immature age, of imperfect or non-existent education, and of undisciplined emotions, they may rest assured that the solution will come none the less, but that it will be neither painless nor peaceful, and that in the application of the remedy there will be little room for nice discrimination between the innocent and the guilty.

THE BENGAL EXCISE BILL, 1909.

The Hon'ble Mr. Macpherson presented the Report of the Select Committee on the Bill to Consolidate and Amend the Excise Law in Bengal.

He said:—"I present the Report of the Select Committee appointed to consider the Bill framed to consolidate and amend the Excise Law. I also present the Bill as revised by the Select Committee.

"We much regret that one of the Members of the Select Committee, the Hon'ble Babu Gajadhar Prasad, was prevented by illness from taking part in our meetings.

"The Committee met eight times and discussed the Bill clause by clause. It was not possible to notice in our report, which extends over 10 printed pages, all the suggestions and recommendations made by individuals and public bodies who furnished opinions on the Bill. But I believe that we did not overlook any suggestions or recommendations.

"I wish especially to acknowledge the helpful criticisms of the Bill received from Mr. D. J. Macpherson, Commissioner of Burdwan, and from Mr. Samman, Collector of Monghyr. We took a good many hints from the Eastern Bengal and Assam Bill, which was introduced in the Council two months after our own Bill, and in particular have adopted the provisions of that Bill in regard to investigations and cognizance of excise offences and with regard to bail.

"The Bill as it is now presented by the Select Committee is the result of the labour of many hands. It remains in substance and form to a large extent the work of the Indian Excise Committee of 1905-06, but it still bears the marks of the labours of the Select Committee of this Council of 1904, and in particular it reproduces, with some modifications, provisions which prescribe

how public opinion is to be ascertained in regard to licensing and it also reproduces provisions of the 1904 Bill which were made to prevent drunkenness, employment of children in liquor shops and sale to children.

"It might be ungrateful for me to omit mention of the work of my colleagues in the Select Committee, but it would be also presumptuous for me to say more than that both the official members and the non-official members have given great assistance in the discussions and in shaping the provisions of the Bill. I believe that the Select Committee has much improved the Bill.

"I should like to take this opportunity also of saying how much help we have received from the learned Secretary to the Council, Mr. Wigley, who has brought great industry and store of legal acumen and knowledge to bear on the drafting of the Bill. I am personally indebted to Mr. Wigley for his unwearied patience and resource in dealing with difficulties.

"It will be observed that the report is signed by all the Members of the Select Committee, but that the three non-official members have also appended notes of reservation or dissent. Perhaps there are no questions on which greater divergence of opinion is found than on the temperance question. I would remind Hon'ble Members of the reports of the Royal Commission appointed in England nine years ago to report on intoxicating liquors. This was a very strong Commission, having among its members statesmen, lawyers, divines, and temperance reformers. The Commission finally submitted two reports, namely, a report of the majority containing 17 signatures and a report of the minority containing 9 signatures. There were 7 reservations by individuals, or groups of individuals in the case of the majority report and 3 reservations and 2 addenda in the case of the minority report. I think that in recognition of the disagreements which are so usual and so fundamental in questions of excise and temperance, our Select Committee may be congratulated on the measure of unanimity which has been obtained in regard to the Bill before the Council.

"I shall not take up the time of the Council going over all the ground covered by the Select Committee's report, which is in the hands of Hon'ble Members. The alterations of expression and arrangement are numerous; but the important modifications of principle or substance are not many, and such modifications have only been made, I think, for better carrying out the approved policy of the Bill.

"It is now nearly 15 years since the consolidation and amendment of the Excise Law in Bengal was first proposed, and although a short amending Act was passed in the year 1903, many of the questions which were being discussed 15 years ago are still being discussed and probably may be discussed long after we have all ceased to be Members of this Council. I venture to ask for the co-operation of Hon'ble Members in furthering the progress of the Bill which is now before us. The Bill has been described as retrograde, in that it proposes to repeal the section of the existing law which gives discretion to the Local Government to make over licensing to Municipal authorities. For reasons, however, which have been often explained, that authority has never been exercised. The Bill in fact goes far beyond what is advised by the Indian Excise Committee and far beyond what has been enacted or proposed in other provinces in making provisions which have been hitherto left to rule for ascertainment of public opinion in regard to licensing and for preventing drunkenness. I do not expect, Sir, that we shall be able to pass a law which will satisfy every one, but I believe that if we work as far as possible harmoniously, we can at last get through this Council a law which will be a great improvement on the existing law.

"May I explain that we could not at this stage introduce a new principle into our Bill without entailing reference to the Government of India and, perhaps, to the Secretary of State, and thereby further delaying the passing of an amended law.

"The Council will not be asked I understand, Sir, to discuss the Bill to-day. But at our next meeting I hope to move that the clauses of the Bill be considered in the form recommended by the Select Committee; and after the clauses have been settled by the Council I shall move that the Bill be passed.

"Under Your Honour's order the Committee's report and the revised Bill will be published in to-morrow's Calcutta Gazette.

"I shall be grateful to Hon'ble Members for early notice of any amendments of the Bill which they may propose to bring forward."

[*Mr. Duke.*]

THE CALCUTTA AND SUBURBAN POLICE (AMENDMENT) BILL, 1909.

The Hon'ble Mr. Duke moved for leave to introduce a Bill further to amend the Calcutta Police Act, 1866, and the Calcutta Suburban Police Act, 1866.

He said:—"The Bill which I have now to present and ask for leave to introduce in Council is supported by a full statement of objects and reasons, and does not perhaps require any very elaborate explanation from me. The existing Calcutta Police Act and Calcutta Suburban Police Act were both passed in 1866, and having regard to that date it is natural that they should frequently have come before Council for amendment. The conditions of life and therefore of administration in Calcutta were infinitely less complex when these Acts were passed than they are now, and probably the change is even more marked in the suburbs than in Calcutta itself. They have been amended from time to time to meet modern conditions, and attention has recently been drawn to certain matters in which they appear to require further amendment. Vagueness of expression, the use of phraseology not in accordance with that of later Acts, and references to a state of things different from that of the present day, or the failure to include new facts of the same classes as those dealt with,—all tend to involve the police in uncertainty as to their powers and to raise doubts in them and others as to whether they are acting strictly according to law. It is sought to remedy this by the introduction of provisions couched in language more precise and more applicable to present-day conditions.

"The changes proposed contain nothing revolutionary. They are taken almost *verbatim* from the City of Bombay Police Act, which was passed in 1902, and is naturally better suited to the conditions of a great Indian city than the Calcutta Acts, which date from more than a generation earlier.

"Their number is, however, considerable, as the Bill extends to 29 sections, some of them very long ones, and it has therefore been considered whether the time has not come completely to recast these two Acts. Upon the whole, however, it has been thought that there is no necessity for a wholesale revision, and that the amendments proposed, which can be dealt with by Council much more easily than a wholesale revision, will provide all that is necessary to enable the police administration of the city and suburbs to proceed smoothly for several years to come.

"The Bill commences by introducing a number of definitions, many of which illustrate what I have said about the changes which have taken place. For instance, the only explosive of which the old Act took cognisance was gunpowder. Since 1866 a multitude of new explosives has been invented, and whatever restrictions were necessary in dealing with gunpowder ought necessarily to be extended to these. Places of public amusement and of entertainment have been greatly multiplied and need more careful definition. Similarly, many new kinds of vehicles are come into use. In certain matters it is desirable to bring the definitions into accord with those used in the Criminal Procedure Code.

"Clause 6 of the Bill deals with police officers engaging in trade or other occupations. These matters were formerly dealt with by departmental rules, but it is obviously desirable that they should be forbidden by law.

"Clause 11 deals with a kind of offence which has no doubt increased with the commercial development of the city, and has recently given a great deal of trouble—that, namely, of the petty pilfering of goods lying at docks, wharves and railway stations, and their sale to a class of persons known as *chutkiwallas* who principally live by receiving such articles. This provision has been approved practically unanimously by the public bodies which represent the commerce of the city.

"One of the most important portions of the Bill is clause 14, which comprises the sections which deal with assemblies and processions, with the control of persons who carry baggage about the river, with the lighting of vehicles and with passage through streets of unwieldy articles which interfere with the general traffic. These changes are necessitated by the enormously

increased business and traffic of Calcutta. Another clause which affects the public convenience in a small but not unimportant matter is No. 17, which restores an old provision for dealing with obstructions in the public thoroughfares caused by setting up unauthorised shops or stalls.

"Clauses 18, 19 and 20, which substitute the provisions of the Bombay Act as regards arrest for the former section in the Calcutta Act, have the effect of making the law of arrest far more precise, and while in some particulars widening the power of the police and somewhat extending the range of offences for which they may arrest, protect the public by requiring due warning to be given.

"Other provisions deal with the recovery of persons believed to be unlawfully confined, with improving the system of communication between police officers in Calcutta and those in the districts in respect of the issue of search-warrants and for dealing with unclaimed property, principally with a view to petty intestate estates which are believed to be very generally the object of plunder.

"I have troubled the Council with these details with the object of drawing attention to the fact that the Bill deals with a large number of matters, some of them petty and some very important, which are frequently the subject of complaint in Calcutta, and that it will tend to the public convenience in these respects, and I believe that when it comes to be examined in Select Committee, it will be found that, generally speaking, the new provisions are likely to be a considerable improvement upon those which they replace."

The motion was put and agreed to.

The Hon'ble Mr. Duke introduced the Bill and moved that it be read in Council.

He also moved that the Bill be referred to a Select Committee consisting of the Hon'ble Sir Charles Allen, the Hon'ble Mr. Chapman, the Hon'ble Mr. Halliday, the Hon'ble Sir Bijay Mahtab, Maharajadhiraja Bahadur of Burdwan, the Hon'ble Babu Debu Prasad Sarbadhikari, the Hon'ble Babu Radha Charan Pal and the Mover.

The motions were put and agreed to.

THE SAMBALPUR (DELEGATION) BILL, 1909.

The Hon'ble Mr. SLACKE moved for leave to introduce a Bill to authorize the delegation to the Board of Revenue of functions of the Government of Bengal under enactments in force in the district of Sambalpur. He said:—

"The reasons for introducing the Bill will be found in the Statement of Objects and Reasons. The Hon'ble Members will note that it is not proposed to make any delegations except with the previous sanction of the Government of India"

The motion was put and agreed to.

The Hon'ble Mr. SLACKE introduced the Bill and moved that it be read in Council.

The motion was put and agreed to, and the Secretary accordingly read the title of the Bill.

The Council was then adjourned to the 24th July, 1909.

CALCUTTA; F. G. WIGLEY,

The 14th July, 1909. *Secretary to the Bengal Council.*

B. S. Press—16-7-1909—1868J & 1896J—900—C. A. P.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met in the Council Chamber on Tuesday, the 27th July, 1909, at 11 A.M.

Present:

The Hon'ble SIR EDWARD BAKER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble MR. F. A. SLACKE, C.S.I.

The Hon'ble MR. W. C. MACPHERSON, C.S.I.

The Hon'ble MR. E. W. COLLIN.

The Hon'ble MR. F. W. DUKE.

The Hon'ble SIR CHARLES ALLEN, KT.

The Hon'ble MR. J. G. CUMMING.

The Hon'ble MR. H. WHEELER.

The Hon'ble MR. E. P. CHAPMAN.

The Hon'ble MR. F. L. HALLIDAY, M.V.O., C.I.E.

The Hon'ble MR. E. GEAKE.

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, M.A., B.L.

The Hon'ble SIR BIJAY MAHTAB, K.C.I.E., MAHARAJADHIRAJA BAHADUR OF BURDWAN.

The Hon'ble BABU DEBA PRASAD SARBADHIKARI, M.A., B.L.

The Hon'ble BABU RADHA CHARAN PAL.

The Hon'ble MR. M. S. DAS, C.I.E.

The Hon'ble MR. C. W. N. GRAHAM.

The Hon'ble RAI NALINAKSHA BASU BAHADUR.

[*Mr. Das; Sir Charles Allen.*]

QUESTION AND ANSWER.

PILGRIMS TO PURI.

The Hon'ble MR. DAS said:—

I BEG to draw the attention of the Government to the following extract from *The Star of Utkal* of the 10th July, 1909:—

"Pilgrims to Puri for the last Car festival have addressed a number of complaints to the public papers like the *Bengali*, *Amrita Bazar*, *Basumati*, *Anand Bazar*, and others. A Midnapore correspondent thus writes to the *Anand Bazar* of 1st July, 1909:—'On 22nd June last a goods train composed of 80 wagons passed down the Midnapore station. The wagons had double the number of men they could properly accommodate. They were huddled up like goods in this hot season. Proper arrangement had not been made for drinking-water. It is said that some dead bodies were found in the train; that they had died of cholera. It is further said that when the train stopped at Kharagpur, fifteen dead bodies were found.'

"All this may be gross exaggeration. But none can have any reason to malign the Company for nothing. As Orissa is greatly interested in the pilgrim traffic, and as it always suffers heavily from cholera disseminated by the pilgrims, we hope the Orissa representative in the Council would ask Government how much of the allegations is true."

I request that the Government may be pleased to lay on the table the replies of the Bengal-Nagpur Railway authorities to the following questions:—

(*a*) What was the number of special trains which ran to and from Puri to carry pilgrims during the last Car festival (*Rath Jatra*)?

(*b*) Is it true that most of these special trains were made up of goods wagons? If most of them were not so, please state how many of them were.

(*c*) What is the total number of passengers which these special trains carried to and from Puri on the occasion of the festival?

(*d*) Did the passengers who were carried in goods wagons pay the ordinary fare?

(*e*) Was any special arrangement made in the stations along the line for the supply of drinking-water? If so, please state how many extra *panivallas* were employed, and at which stations they were employed.

(*f*) Is it not a fact that many dead bodies were found in the trains? Was any record kept of them? What was the total number of dead bodies?

(*g*) Is it not a fact that cholera patients travelled in these special trains? Was any attempt made to prevent such patients travelling; if it was, please state what preventive measures were adopted. Was any separate accommodation provided for patients who had cholera, or complaints which very often develop into cholera?

(*h*) Was any arrangement made for removal from the railway carriages of dying patients? If there was any such arrangement, please state the nature of it.

(*i*) Was any lavatory provided in goods wagons pressed into passenger service during the festival?

The Hon'ble SIR CHARLES ALLEN replied:—

"The replies of the Agent, Bengal-Nagpur Railway, to the Hon'ble Member's questions are laid on the table."

[*Sir Charles Allen ; The President.*]

(ANNEXURE TO THE ABOVE ANSWER.)

Replies of the Agent, Bengal-Nagpur Railway.

(*a*) Seventy-two special trains were run to and from Puri to carry pilgrims during the recent Car festival (*Rath Jatra*).

(*b*) Yes, it is the case that most of these special trains were made up of goods wagons. To provide the 72 special trains 14 rakes of vehicles were utilised, and of these 11 consisted of goods wagons and 3 of coaching vehicles. The number of goods wagons on one train usually was 40 and the number of coaching vehicles on one train 30.

In addition to this the composition of the mail train and the two ordinary daily trains was strengthened, each of the latter being capable of carrying 1,600 passengers.

Goods wagons were utilised for the conveyance of pilgrims, as this Railway was unable to provide sufficient coaching vehicles to cope with the rush. The East Indian Railway, Eastern Bengal State Railway and the Madras and Southern Mahratta Railway were requested to lend coaching stock, but only the East Indian Railway was able to do so. They lent 50 coaches.

(*c*) The number of pilgrims is estimated at 90,000.

(*d*) Yes.

(*e*) Yes, special arrangements were made for the supply of drinking-water, and thirty-one extra *paniwallas* were employed. These extra men were employed at Machada, Khargpur, Danton, Balasore, Bhadrak, Jenapur, Baitarani Road, Bhubaneswar, Khurda Road, Sakhigopal, Cuttack and Puri.

(*f*) Yes. Records are with the Police Department, as each case was dealt with by them. The actual number of deaths which occurred in trains was nineteen, four of which were in trains going to Puri and fifteen in trains returning from Puri.

(*g*) No cholera patients travelled in these special trains. No person was allowed to travel who showed any symptoms of sickness.

No separate accommodation was provided, as no cases were allowed to travel.

The Medical Authorities, at stations where posted, were in attendance on trains arriving, and cases coming to their notice were promptly dealt with.

Extra medical staff were employed at Puri, and all incoming and outgoing trains examined by them.

(*h*) Yes; all such cases were removed from carriages, which were vacated and promptly disinfected.

Cases occurring at stations where medical attendance was not available were placed in isolated carriages and sent to the nearest station where medical aid could be obtained.

Carriages used for the conveyance of cholera patients in such cases were promptly disinfected.

(*i*) No lavatory accommodation was provided in goods wagons, as it was impossible to do so, there being no means by which such arrangements can be fitted.

The Hon'ble THE PRESIDENT said:—

"There are three questions standing in the name of the Hon'ble the Nawab Bahadur of Murshidabad, but the Hon'ble Member has written to say that he is unable to come. Therefore these three questions cannot be put."

[*Mr. Slacke; Mr. Macpherson; Babu Deba Prasad Sarbadhikari.*]

THE SAMBALPUR (DELEGATION) BILL, 1909.

The Hon'ble Mr. Slacke moved that the Bill to authorise the delegation to the Board of Revenue of functions of the Government of Bengal under enactments in force in the district of Sambalpur be taken into consideration.

He said:—"I am not going to propose that this measure should be referred to a Select Committee, because there is nothing in it to necessitate such a proposition."

The motion was put and agreed to.

The Hon'ble Mr. Slacke also moved that the Bill be passed.

The motion was put and agreed to.

THE BENGAL EXCISE BILL, 1909.

The Hon'ble Mr. Macpherson moved that the Report of the Select Committee on the Bill to consolidate and amend the Excise Law in Bengal be taken into consideration.

He said:—"In moving this amendment, I shall not offer any remark which would anticipate the discussions which must arise on the long list of amendments. I ask leave to explain one matter only which has been perhaps insufficiently explained in the Select Committee's Report. I refer to the consolidation of certain clauses of the Bill which relate to *tari*, and I may mention that the drafting of the clauses relating to *tari* has perhaps given more trouble than the drafting of any other clauses of the Bill. Some of the members of the Committee saw the danger of a double duty being imposed on *tari* under the provisions of the Bill as introduced in Council. To obviate this danger, we first decided that clause 33 of the Bill, as originally introduced, should be taken out, and that necessary provision should be made in the general clauses relating to duty. We then found that we could get into a single clause all that we wanted to say with regard to prohibition of *tari* in notified areas. We then confined the power of imposing the duty on *tari* to districts notified under clause 14A (*now* 14).* I have thought it desirable that this explanation should be on record. I now move, Sir, that the Report be taken into consideration."

The Hon'ble BABU DEBA PRASAD SARBADHIKARI said:—"May it please Your Honour, with Your Honour's permission I wish to make a few preliminary remarks on the Report of the Select Committee before it is taken into consideration clause by clause. In welcoming the introduction of the Excise Bill in this Council at its first meeting presided over by Your Honour, I ventured to express a hope that the Select Committee would do its work in a thorough-going spirit. Though much of this hope has been realised, I feel bound to voice the disappointment that the Report of the Committee and the amended Bill have caused in what have come to be termed the Temperance quarters. I concede with the Hon'ble Member in charge of the Bill that the Select Committee, has, in spite of the high pressure of work that it was called upon to do, much improved the Bill, and that the law we are about to pass will be a great improvement on the present. I further concede that it is impossible to pass a law which will satisfy every one in every respect; but I claim that a reasonable degree of satisfaction should be vouchsafed to the most important interests concerned; and I claim that Revenue interests are not the most important or paramount in this concern. It so happens in the present case that the Revenue side of the Governmental machinery has more than good reason to be fully satisfied, while the "Police" side as one of the Divisional Commissioners aptly puts it—which is really the side of popular interest and the Municipal side of the same machinery—has not half as good reasons to be satisfied.

"The Hon'ble Member in charge of the Bill in effect admits that temperance views of things have had to be largely ignored—firstly, because it is said

*The clauses and sub-clauses of the Bill having been re-numbered under the direction of the Council, the present number of each clause and sub-clause is inserted in brackets, wherever the new numbering differs from the old.

that there are no questions on which greater divergence of opinion is to be found than on this temperance question and, secondly, because new principles could not be introduced without entailing reference to the Supreme Government, and we have the *naïve* admission 'that important modifications in principles or substance in the Select Committee are not many, while the alterations of expressions and arrangements are numerous.' If the present measure has been incubating in some shape or another for fifteen years, as many weeks of mature consideration of the completed form would not be too large a demand; and if such consideration proved the necessity of a fresh reference even for slight concessions in principles, time would indeed have been well spent on it. It is not much of a gratification that *some* advance has been made on recommendations of the Indian Excise Committee, and that we had to travel to Madras and even to Eastern Bengal for ideals and inspirations, while Bengal materials in their abundance had to be given the go-by to, because reference to the Government of India or the Secretary of State would be needed for their consideration with any degree of fulness.

"The Hon'ble Member in charge of the Bill congratulated the Select Committee on the measure of unanimity that has been obtained, and has appealed for co-operation and harmonious work in Council. That appeal, and emanating from such a quarter, is hard to resist. I have therefore a delicate, embarrassing and difficult task in inviting the Council to take a view of some aspects of the Bill different from that taken by the Select Committee, and I do not conceal from myself that the task foreshadowed in the amendments of which notice has been given by the non-official Members is more than difficult. I have, however, faith in the justice of the principles involved and in the sense of justice of those whom I appeal to, and I could do no less than bring these matters formally and definitely before the Council as matters of principle and in loyalty to the cause I represent—the cause of absolute protection to the rising generation, whose influence for good and evil is supreme. My task is still more arduous and difficult in the absence of expert representatives of the Temperance cause, who might well have been associated with expert representatives of the Revenue cause on the Council, whose ranks have been strengthened and augmented.

"The Hon'ble Member in charge of the Bill has told us that no suggestions or recommendations made by public bodies or individuals have been overlooked. I shall have occasion to draw the attention of the Council to some of these; and, having regard to the provisions of the amended Bill, the Hon'ble Member's statement must be taken to mean that many of the pious expressions of opinion and wishes of the good Temperance people have been far too impractical and impossible, and will be so considered at least till the next amendment in another ten years' time or so. No one not having the late Mr. Woodroffe's talents, decision or influence could, under such circumstances, ask for recommittal of the Bill to a Select Committee, as was done five years ago, and also for a reference to the Supreme Government, in the absence of which much of the good work that might otherwise be done would perforce have to be kept back. Even on the question of forms and expressions, efforts to improve which, according to the Hon'ble Mr. Macpherson, represent the bulk of the labours of the Select Committee, there might be plenty of room for consideration, judging from the number of amendments standing to the credit of the Hon'ble Member in charge and other Members of that Committee. If, therefore, I do not urge for reconsideration except in Council, it is not because I do not feel and believe that it is necessary, but because I apprehend and anticipate that such a proposal could not be entertained. It is none the less my duty to ask the Council to say whether unanimous public opinion on temperance matters connected with the Bill should not receive better, further and greater consideration than the Select Committee has thought fit or been able to accord to them. Such opinion, focussed in the excellent *précis* that has been circulated and which has, I am thankful to say, much lightened our work, makes it clear that the provisions of clause 21 (*now 22*) are too wide; that children should neither vend nor consume excisable articles—I am assuming that the innocent and refreshing *Khejur Ras* will not continue to be excisable—till they have attained at least legal majority; that women should not be allowed to vend

either country or foreign liquor; that Municipal interest in the number and location of shops should be safeguarded; that statutory provisions for licensing Committees or at least Advisory Boards should be made; that licensing functions should not be in the sole control of the Revenue officials; that restrictions as to sites near factories, mills, bathing ghats, markets, etc., should be enforced in the law itself; that the power to compound offences should not be left with Excise Officials—at least below a certain grade; and that the administrative and rule-making powers under clauses 79 and 80 (*now* 85 and 86) and, I would also add clause 8 (*now* 7), should not be so wide, extensive and summary. Some of these opinions, Sir, are, I am glad and encouraged to find, shared by Divisional Commissioners and District Magistrates and by European and Anglo-Indian Associations of repute and standing, not wholly chargeable with Temperance shortcomings. And yet they have found no acceptance. If such a body of unanimous and influential opinion fails to make any impression on the Legislature, the chances of similar opinion appreciably influencing rule-making under the law are somewhat remote. In most of the matters I have drawn your attention to, the majority of the Select Committee, which must be taken as the official majority, have overruled and outvoted the non-official minority. Seeing that not a single reform has been passed that would affect Revenue (although quite a number of beneficial changes have undoubtedly been introduced, as I am free to admit), I venture to submit that the Council should give legislative sanction to some at least of the matters that the Select Committee has overruled and which would not absolutely involve a reference to the Government of India.

"This, Sir, is one of the last, but one of the most important, measures dealt with by the Council under existing conditions, and if, for pressing administrative reasons the nature of which has not been made apparent, it could not be held over till the new order of things comes into vogue next cold weather, let there at least be no room for the comment that the most fundamental root principles of Local Self-Government could not be vouchsafed a few short weeks before a larger and more important measure was granted. If a downright licensing Board is much too large a measure to begin with, let us at all events have an elastic Advisory Board, the frame of which will entirely be in the discretion of the Government, but which will give people a greater share of responsibility which is always and inseparably associated with power. In spite of the high authority that has been claimed for the sentiment to the contrary, public opinion is emphatic that local option in the sense understood elsewhere is not impracticable in this country in carefully-selected areas and under proper and well-defined conditions. The 'confusion, class tyranny and consequential serious political effects' predicated of the development of even restricted principles of local option are merely an Excise, if not excisable, aspect of things. Such 'class tyranny,' as it is termed, is known and tolerated in the most advanced and civilized countries, even where the 'poor man's beer' is supposed to be a downright necessity, but has nowhere operated prejudicially in the manner apprehended. Why should it do so in a country in which among the most numerous, influential and important communities like the Muhammadans and Hindus, who generally congregate in well-defined areas in and outside townships, drink is at best considered a superfluous and baneful luxury?"

The motion was then put and agreed to.

The Hon'ble MR. MACPHERSON also moved that the clauses of the Bill be considered in the form recommended by the Select Committee.

He said:—"If you, Sir, see no objection, and if the Council have no objection, I would ask that identical amendments may be discussed and voted on together, and cognate amendments may be discussed together, and, if necessary, voted on separately. Under Rule 12 of the Rules of Business of the Council, I understand that it is usual for the Member in charge of the Bill to rise in his place to reply to the mover of an amendment at once, and I would ask that I may be permitted to defer my remarks in reply to an amendment until both movers of an identical amendment have spoken.

[*The President; Babu Radha Charan Pal; Babu Deba Prasad Sarbadhikari.*]

The Hon'ble THE PRESIDENT said:—"The proposal of the Hon'ble Member is quite in accordance with the practice of the Council, and unless any Hon'ble Member at any time objects, I think it may be agreed to.

"There are two identical and one cognate amendments. Numbers 5 and 7, standing in the name of the Hon'ble Babu Radha Charan Pal and in the name of the Hon'ble Babu Deba Prasad Sarbadhikari, are identical, and No. 6, standing in the name of the Hon'ble Babu Radha Charan Pal, is a consequential amendment. Unless those Hon'ble Members have any objection, these three can be discussed together."

The motion was put and agreed to.

Clause 2.

The following motions were discussed together, namely:—

(5) The Hon'ble Babu Radha Charan Pal to move that the words "or unfermented", in sub-clause (*19*) (*now* 20) of clause 2 of the Bill be omitted.

(6) If the last foregoing amendment be carried, also to move that the words "up to a limit of four seers, for the domestic consumption of the said person," be omitted from the proviso to clause 11 (*now* 13) of the Bill and from other clauses of the Bill, wherever they occur.

(7) The Hon'ble Babu Deba Prasad Sarbadhikari to move that the words "or unfermented", in sub-clause (*19*) (*now* 20) of clause 2 of the Bill, be omitted.

The Hon'ble BABU RADHA CHARAN PAL said:—"This is by no means a new amendment which I have the honour to move. An exactly similar amendment was moved and discussed in this Council in 1882, although the unanimity of all the non-official members failed to carry it. In the face of this depressing circumstance I have dared to raise this question again in the hope that in these days of progressive administration neither the Government nor the Legislature will cling to the traditions of the past, but will give it the support that it deserves. *Tari*, properly speaking, is fermented juice of the date or the palmyra and in this sense it is understood in this country. In its unfermented state the juice is known by the name of *khejur ras* or *tal ras*, as the case may be. It is an article of food and drink which is much cherished by the people. In the words of an eminent medical authority, quoted some time ago in this Council, 'it is a cool and refreshing drink, often recommended for its diuretic properties to those labouring under urinary diseases.' It would not have been difficult for me to convince my European colleagues of the refreshing and non-inebriating quality of this excellent beverage if they had once tasted it. The only objection that may be urged to the acceptance of this amendment is, that it would be difficult to make a distinction between fermented and unfermented juice. But as a matter of fact the Excise Department has been able to make such a distinction in the issue of license for the sale of fermented and unfermented juice. And *tari* is classified in the Excise report under two heads—fermented and unfermented. It would be thus seen that the Excise Department has already drawn a broad distinction between the unfermented juice and the fermented *tari*. I am afraid we have no moral right to tax the fresh juice which nature has given us, and which is both agreeable to the taste and beneficial for health.

"If *khejur* or *tal ras* is taxed because it generally gets fermented within eight or ten hours' time, what will be said of *pánta bhát* or stale rice which ferments if kept for some time and turns into *pachwai?* Would the Legislature, therefore, tax *pánta bhát* in order to prevent the possibility of the production of *pachwai?* Looked at from the point of view of temperance, the amendment which I have moved should be accepted. In the Bill provision has been made for exemption of *tari* for domestic consumption up to a limit of four seers from the operation of the Excise law. Now as *tari* includes both fermented and unfermented juice, the law unintentionally affords an opportunity to a person

to get drunk by consuming four seers of fermented *tari*. If my amendment is accepted, this clause may be safely and justly omitted, as I hold it should not in any way be made easy for any person to get intoxicated. Again, four seers of unfermented juice is quite inadequate for a family for its domestic consumption. The quantity allowed ought to be reasonable and for each head of the members of the family. But all these difficulties will disappear if unfermented juice is excluded from the category."

The Hon'ble BABU DEBA PRASAD SARBADHIKARI said:—"Sir, I do not wish to add many remarks to those that have fallen from the Hon'ble Babu Radha Charan Pal in supporting the amendment which is also mine, and I wish only to observe that, by placing unfermented juice within the category of excisable articles, we are only adding to the possibilities of the outturn and consumption of fermented liquor being much more on the increase than would otherwise be possible. I remember in my early days, the old familiar *khejur ras* cry in the lanes and streets of Calcutta, which the young ones in those days used to look forward to with great gusto and zest, and which has practically disappeared, as Hon'ble Members acquainted with the northern part of the town will be able to testify, because of the limits that the law has thought fit to place on the consumption of *khejur ras* or *tal ras*, as the case may be. People trafficking in that article would much rather take to the sale of fermented liquor, which is more paying and less risky for the vendors to handle under the conditions of the Excise Department, and the result is that the consumption of unfermented liquor is less and less every day as the trifling duty realized in respect of it shows, and that which used to be consumed with great relish and benefit as the unfermented juice has by force to be treated and sold as fermented liquor because it will not keep for more than a few hours. Therefore, in the desire to keep down the consumption of this really excisable article, *tari* which, I admit, is a very commendable desire, the rules now in force practically make it possible for unfermented liquor to be consumed in large quantities. As another Member has observed, four seers is far too small an allowance for families in villages, specially those that have their own private trees, and selling what may not be required for household purposes, which finds its way into towns and cities. The result will be that even in those households where unfermented liquor would ordinarily be used, where fermented liquor would on no account be taken, there is a great deal of avoidable waste, because the surplus cannot be disposed of with that facility and that profit that used to be commanded in former days. I do not know, Sir, if there is at all any object in continuing the inclusion of unfermented juice in the category of excisable articles, excepting that it is difficult to deal differentially between the two articles, but such treatment is already in vogue, and, with a few more safeguards, this innocent beverage may be put out of bounds and the enjoyment of a considerable portion of the community would be enhanced. I would therefore ask, Sir, that the words "or unfermented", in sub-clause (*19*) *now* 20) of clause 2 of the Bill, be omitted.

The Hon'ble the PRESIDENT said:—"Would the Hon'ble Member in charge of the Bill care to make any remarks?"

The Hon'ble MR. MACPHERSON said:—"I will reserve my remarks."

The Hon'ble MR. DAS said:—"It has just been brought to the notice of this Council that the Excise Department in its working differentiates the two kinds of *tari*—fermented and unfermented. This was not brought to the notice of the Select Committee. I do not know yet how they differentiate the two. I should be the last person to advocate any Excise law which is based on no higher principle than revenue consideration, and certainly, Sir, anything which has been found to be used among the people as an article of food, an innocent drink, should not be brought within the purview of the Excise law. In the case of *tari*, the definition includes unfermented and fermented juice. I was one of the persons who accepted this regulation, and I do it even now for this reason that it is extremely difficult for the

[*Rai Kishori Lal Goswami Bahadur; Mr. Macpherson.*]

Excise Department to control the consumption of this thing, because unfermented *tari* becomes fermented after a short time. Now, how long should it be outside the Excise law? When should it be taken under the control of the Excise Department? As the great object of all Excise legislation should be to have control over the use of such things or articles which are used as intoxicating substances, if there is any difficulty in exercising that control, certainly that control should have prominence over every other consideration. I should have been glad if the Hon'ble Member who wants to distinguish the unfermented from the fermented had thrown out some hints of a practical nature which would have been of help to the Excise Department to exercise the necessary control over this excisable article.

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, said:—"Your Honour,—I fully sympathise with the spirit which has actuated two Hon'ble colleagues to propose that the unfermented *tari* should be kept completely out of the purview of the Excise law. The Excise law as its preamble says has to deal only with intoxicating liquors and intoxicating drinks. As has been already told at this Council, the unfermented *tari* is in no sense an intoxicating liquor, but a cooling beverage, and I am sure it will appeal to the taste of even the most out and out teetotallers. Logically, therefore, it should not find a place in the Excise law of this country; but, Sir, when this question was debated upon in the Select Committee, the Hon'ble Member who represented the Excise Department of Your Honour's Government pointed out that there would be serious administrative and practical difficulties to exercise adequate control over the fermented *tari*, without at the same time bringing the unfermented *tari* under control. It is a well-known fact, as has been observed by my hon'ble friend, Mr. Das, that unfermented *tari* changes quickly, and almost without the necessity of subjecting to any process, into a fermented condition, it is also known that the sap, when it is drawn from the *tari*-producing trees, are in the first instance sweet *tari*. Under these circumstances it would require extraordinary vigilance on the part of the Excise officers to mark the process of transition from the unfermented to the fermented condition. Besides that, Sir, a reference to the annual Excise Reports will show that the aggregate duty annually collected in respect of sweet *tari* hardly in any year amount to Rs. 1,000, indicating thereby the very small proportion of the sap which is consumed in its sweet condition. Having regard, therefore, to these practical difficulties, I cannot agree that the unfermented *tari* should not be kept under the control of the Excise Department, though I most sincerely support the idea that it should be made entirely duty free. On these grounds, Sir, I am not prepared to go the length of the Hon'ble Member's proposal to exclude unfermented *tari* from the definition of the word '*tari*.'"

The Hon'ble MR. MACPHERSON said:—"I cannot accept these amendments, Sir. The reasons which were held to be conclusive in this Council in the years 1878 and 1882, when discussions occurred on similar motions for exception of the unfermented juice of the palm from the Excise law, had reference, not so much, as the two first speakers assert, to the difficulty of distinguishing between the fermented and the unfermented juice, as to considerations to which the two later speakers referred. It was shown by the Hon'ble Muhammad Yusuf in the debates of 1882 that unfermented *tari* has been an excisable article since the passing of Regulation I of 1808. Secondly, as stated by the Hon'ble Mr. Das and the Hon'ble Rai Kishori Lal Goswami, Bahadur, it would be impossible to control the use of fermented *tari* if unfermented *tari* be excepted from restriction. Neither, Sir, is it at all the case that revenue comes into consideration. The whole revenue derived from unfermented *tari* in this province is less than Rs. 1,000 a year as against a revenue of about 12 lakhs from fermented *tari*. I would refer the Members of the Council to a very interesting Chapter relating to *tari* in the Indian Excise Committee's Report, 1905-06. It is stated in this Report that it is only in Bengal and Madras that any concession of freedom from taxation is given to tappers who desire to get and possess unfermented juice. In Madras the concession is coupled with a proviso that the pots used for holding the *tari* must be coated with lime in order to prevent fermentation.

Bengal is the province of India most free from restrictions in this matter of tapping and possessing the unfermented juice of the palm. Even with regard to sugar, it appears that in Madras the enforcement of what are known as the 'Sweet Toddy Rules' hampers the sugar manufacture by efforts made to keep the sweet juice under control, whereas in Bengal the manufacture of date sugar is entirely free from control. There is no intention of interfering with the date sugar industry in Bengal. For domestic consumption in Bengal owners are allowed to possess 4 seers of juice, formented or unfermented, as they please; owners may also dispose of the juice of their trees to licensed vendors. The Hon'ble Babu Radha Charan Pal has performed what I may describe as a hereditary and filial duty in moving an amendment of this nature, for it was his father, the Hon'ble Babu Kristo Das Pal, who twice brought before the Council this question of exempting the unfermented juice of the palm from the provisions of the Excise Act; but, Sir, on two previous occasions, as I have said, the Council confirmed the policy of the Government, which is practically directed in this matter entirely in the interests of temperance."

The Hon'ble BABU RADHA CHARAN PAL said :—"Your Honour,—It is quite true that the matter was discussed in the years 1875 and 1882 and it is also a fact that unfermented *tari* has been an excisable article since 1808; but, Sir, as was pointed out at the time by the Hon'ble Member referred to, it was nominally under control, and unfermented juice was practically left out of excise operation. Then, Sir, it was also pointed out, and I believe, the practice is still in existence, that separate licenses were issued for unfermented juice. The alleged difficulty which was urged in 1875 and 1882, and which is urged on the present occasion, is that the Department would not be able to distinguish between fermented and unfermented *tari*. But, Sir, the difficulty is more imaginary than real; as I have pointed out, separate licenses were issued for the sale of unfermented *tari*, and in the Excise Report, as has been said by the Hon'ble Member in charge of the Bill, *tari* is classified under two heads—fermented and unfermented, the revenue from the latter being very small. All these facts show that it is not at all difficult to distinguish between the fermented and unfermented juice. *Tari* is only a misnomer for unfermented juice. When it is fermented it is called *tari*; that is the popular meaning of the word *tari*. Then, Sir, I am not a little surprised at the observations of my hon'ble friend, Rai Kishori Lal Goswami, Bahadur, although I appreciate his sympathy with the motion. The British Indian Association, which is an influential and enlightened body of landholders, also objected to the inclusion of the unfermented juice in the definition of '*tari*.' I do not know whether my hon'ble friend's views embody personal opinion, but this much I can say, that the views I have just expressed represent the opinion of that eminent public body, the British Indian Association, to which I have the honour to belong."

The Hon'ble THE PRESIDENT said :—"Is the Hon'ble Member certain that on the present occasion the British Indian Association have taken that view?"

The Hon'ble BABU RADHA CHARAN PAL said :—"I regret, Your Honour, I have not been able to lay my hands on it at present, but I know this is the view of the British Indian Association, and it has been expressed over and over again. Sir, I may say in conclusion that the views which I have expressed in this Council before Your Honour is the view taken by the community to which I have the honour to belong. I do not think my hon'ble friend, Rai Kishori Lal Goswami, Bahadur, has sufficiently emphasised that view. Sir, if it is practicable, which I humbly submit it is, to exclude unfermented juice from the definition of *tari*, it will release an innocent beverage, which is much enjoyed by the poor people, from the category of taxation."

Motions 5 and 7 were put and lost.

The said motions having been lost, motion No. 6 was not put.

[*Babu Deba Prasad Sarbadhikari; Mr. Macpherson.*]

Clause 5.

The Hon'ble Babu Deba Prasad Sarbadhikari moved that the following proviso be added after sub-clause (*i*) of clause 5 of the Bill, namely:—

Provided that such limit shall not exceed three reputed quart bottles in the case of country spirit and four seers in the case of *tari*.

He said:—"The Select Committee observes in regard to this clause that the varying requirements of different parts of the province are a sufficient reason for not prescribing the limits in the Bill itself. Sir, this discretion was left in the present Act to the authorities, and the limit by the Board of Revenue rose from time to time made it possible for 12 bottles to be sold in all rel, and the Calcutta Committee reduced it to 6 bottles, which is also very large. This large limit encourages illicit sales of liquor the whole night without fear of detection, and is an important factor in encouraging drunkenness. I would invite Your Honour's attention to paragraph 251 of the Indian Excise Committee's Report, and it will be seen that the statutory limit proscribed in Act XII of 1896 was only one quart bottle of country spirit and four seers of *tari*, which are the words of my amendment. The Excise Committee, after discussing the question, observed that, in most distillery districts, the limit can be reduced to one reputed quart bottle, and in some more remote outstill tracts it may be necessary for the present to allow the sale of as much as three bottles at a time. Having regard to these observations, the Government may well object to the proposed limit, which is large enough not to cause any sort of inconvenience in the administration. It must be noted that public feeling on this point is very strong, and the increased consumption and the consequent increase of drunkenness are chiefly ascribed to this limit of retail sale or possession, as also the auction system. The words of my amendment make a limitation with regard to *tari* also. Unfortunately, unfermented juice continues to remain within the category of *tari*, but that will not make me think that an unlimited consumption ought to be allowed in the case of the fermented article. A limitation ought certainly to be put down, and four seers of real *tari* is quite a liberal limitation with regard to the fermented article, whatever may be the case with regard to the unfermented juice, which is no more *tari* than it is beer or water. For these reasons, Sir, I move the amendment which stands to my name."

The Hon'ble Mr. Macpherson said:—"I cannot accept this amendment. In the first place, it is to be remembered that country spirit is of varying strength, ranging from the strength of ordinary beer to the strength of ordinary whiskey. The present limits of retail sale of country spirits vary with the conditions of the different districts.

"From the point of view of existing uniformity, there is more to be said in favour of having a single retail limit of four seers in the case of *tari*, but here, too, some elasticity is required. So far as regards *tari*, it is likely that four seers will remain the limit of retail sale in ordinary cases. Hon'ble Members will have noticed that clause 5 speaks of placing a limit on retail sale as regards purchasers generally or any specified class of purchasers. Now, take the class of bakers of bread. It may be desirable for the Board to allow a larger limit of retail sale in the case of bakers of bread than in the case of the ordinary purchaser. I am informed that in Calcutta a baker of bread sometimes requires as much as 20 and 30 seers of *tari* a day.

"For these reasons, Sir, I would oppose the amendment."

The motion was then put and lost.

Clause 8 (now 7).

The Hon'ble Mr. Macpherson moved that, in sub-clause (*d*) of clause 8 (*now 7*) of the Bill, for the words "assigned to any officer under clause (*c*) of this section" the following be substituted, namely:—

assigned by or under this Act to any officer appointed under clause (*c*) of this section.

"He said:—This amendment is proposed, because I am advised that the amending words have a wider effect in enabling the Local Government to invest

officers of departments other than Excise with all or any powers or duties of Excise officers. It is intended to take the fullest power for Government to assign powers and duties of Excise officers to officers of other departments, for instance in the police, or salt or customs department."

The motion was put and agreed to.

The Hon'ble THE PRESIDENT said:—"The next three amendments are in the alternative. They stand in the name of the Hon'ble Babu Deba Prasad Sarbadhikari. If the Hon'ble Member agrees, they may be discussed together and voted on separately."

The following motions were discussed together, namely:—

10. The Hon'ble Babu Deba Prasad Sarbadhikari to move that sub-clause (*e*) of clause 8 (*now* 7) of the Bill be omitted.

11. If the last foregoing amendment be not carried, also to move that the words "the Commissioner of a Division or the Excise Commissioner" be omitted from sub-clause (*e*) of clause 8 (*now* 7) of the Bill.

12. If the last foregoing amendment be not carried, also to move that for the words "the Commissioner of a Division or the Excise Commissioner," in sub-clause (*e*) of clause 8 (*now* 7) of the Bill, the words "or the Commissioner of a Division" be substituted.

13. The Hon'ble Babu Deba Prasad Sarbadhikari also to move that sub-clause (*g*) of clause 8 (*now* 7) of the Bill be omitted.

14. If the last foregoing amendment be not carried, also to move that the words "the Commissioner of a Division, the Excise Commissioner or the Collector", and the words "or him," be omitted from sub-clause (*g*) of clause 8 (*now* 7) of the Bill.

15. If the last foregoing amendment be not carried, also to move that for the words "the Commissioner of a Division, the Excise Commissioner or the Collector", in sub-clause (*g*) of clause 8 (*now* 7) of the Bill, the words "or the Commissioner of a Division" be substituted.

16. If the last foregoing amendment be not carried, also to move that for the words "the Excise Commissioner or the Collector", in sub-clause (*g*) of clause 8 (*now* 7) of the Bill, the words "or the Excise Commissioner" be substituted.

He said:—"As the amendments appear on the paper, I need not read them out, and all that I desire to say with reference to the amendments is, that the power of delegation contained in these provisions, are far too wide even in these days of decentralisation. The Bill gives the Local Government enormous authority in clauses 3, 10, 12, 14, 14A, 18(*3*), 21, 26 and 28 [*now* 3, 9, 11, 13, 14, 19(*4*), 22, 27 and 29]. As the Bill originally stood, delegation as regards rule-making was also contemplated, so great was the desire for delegation but that has been left out by the Select Committee. The result of working sub-clauses (*e*) and (*g*) of clause 8 (*now* 7) together will be that the Board, the Commissioner of a Division, even a Collector will be able to delegate any one of these large powers to any person or class of persons that may be specified. I quite recognise, Sir, that Government Notification will lay down some conditions as to the person or class of persons to whom these powers will be delegated which will be some safeguard; but when the delegation comes so low down as the Collector, it may be questioned as to whether the limits of expediency may not be exceeded. I do not anticipate that the amendment

[*Mr. Macpherson; The President; Babu Deba Prasad Sarbadhikari.*]

will be successful, but I would offer one suggestion, and that is to keep the clause as it stands, and leave out the Collector. To this probably the objection would not be so great."

The Hon'ble MR. MACPHERSON said:—"That question does not arise in regard to the clauses we are discussing."

The Hon'ble THE PRESIDENT said:—"The Hon'ble Member, I think, is referring now not merely to the amendments 11 and 12, but also to the next group of amendments, 13, 14, 15 and 16. It is in sub-clause (*g*) that the Collector comes."

The Hon'ble BABU DEBA PRASAD SARBADHIKARI said:—"I beg Your Honour's pardon. I thought Your Honour's direction was to deal with them all. Perhaps that would be more convenient, for anything I may have to say will apply to both the sub-clauses (*e*) and (*g*)."

The Hon'ble THE PRESIDENT said:—"I quite agree, and we will take them together."

The Hon'ble BABU DEBA PRASAD SARBADHIKARI said:—"As the delegation to or by the Board, the Commissioner of a Division or the Excise Commissioner is strongly insisted on by the Hon'ble Member in charge, I would respectfully ask him to consider whether he would not draw the line at the Collector in clause 8 (*now 7*) and confine the delegation, both as regards the power and the power to delegate, to the Commissioner. I do not know, Sir, whether in this connection it is necessary to notice recent observations in the Press with regard to the likely abolition of the Board which was referred to in another connection namely the Sambalpur Bill, and whether there may not be difficulties in regard to the delegations by the Board. I saw it noticed in the Press and I thought it might be mentioned. The principal thing that I have urged on the Hon'ble Member in charge is, as to whether he would agree to leave out the Collector, though I do not expect that it will be accepted."

The Hon'ble MR. MACPHERSON said:—"I understand, Sir, we are discussing amendments 10 to 16 together. I regret that I am not able to advise the Council to accept any of these amendments, which fall into two groups, viz. (1) with regard to delegation of powers of Government, and (2) with regard to delegation of powers of the Board, the Commissioner and the Collector. The existing Bengal Act,* which has been described as a restricting Act, does not provide for delegation of the powers of Government at all. The Madras Act, which is to a large extent a permissive, or enabling, Act, gives power to the Governor in Council to delegate to any officer all or any of his powers. Our Bill falls far short of such an extension of powers as this. So far as regards delegation by the Board, the Commissioner of a Division, or the Excise Commissioner, power is taken under clause 79(*b*) [*now* 85(*b*)] of the Bill to make rules regarding delegation of powers, that is to say, the Local Government would restrict delegation. We cannot foresee, Sir, how exactly in the future it will be expedient to exercise administrative or executive powers. I see no reason for such distrust of the Government and subordinate authorities as would assume that unwise delegation of powers and duties is likely to be made. These are days in which decentralisation is called for; and; if we do not take powers under this Act to delegate and to decentralize, it is quite certain that those who come after us will have to provide for requirements by passing a Decentralising or Delegating Act."

The motions were put and lost.

Clause 14 (*now* 13).

The Hon'ble Babu Deba Prasad Sarbadhikari also moved that the words "a day" be inserted after the word "seers" in proviso (*ii*) to clause 14 (*now* 13) of the Bill.

* The Bengal Excise and Licensing Act, 1878 (Ben. Act VII of 1878)

[*Mr. Macpherson; Babu Deba Prasad Sarbadhikari; Babu Radha Charan Pal.*]

He said:—"I hope it will appeal to the Hon'ble Member in charge of the Bill, if I want to make the limitation more distinct and more definite. A real check would be placed upon consumption if we were to lay down some limitation that applied to the whole 24 hours, otherwise it would be possible for the consumption of four seers to take place while another four seers is brewing, and so on all day, and the limitation would practically come to nothing, and an unlimited supply would be possible to be consumed."

The Hon'ble MR. MACPHERSON said:—"I would not accept this amendment, Sir. We are discussing clause 14 (*now* 13), which relates to manufacture. It does not appear to me that the amendment suggested would help the position We have to look to the provisions of clause 17 (*now* 18) in this connection. The owner may only possess for domestic consumption to the limit of 4 seers; so it is clear that he will only be able to tap up to that amount at any one time for domestic consumption. The proviso to which the Hon'ble Member draws our attention was added by the Select Committee, because it was said that, though permission had been given to an owner to *possess tari*, he had not been protected in respect of *manufacture*, that is, in respect of tapping and drawing. That was the reason for the addition of the proviso by the Select Committee."

The Hon'ble BABU DEBA PRASAD SARBADHIKARI said:—"The only thing I wish to point out, Sir, is that in clause 17 (*now* 18), I have suggested a similar addition, and if the amendment was accepted, a real limitation would have been placed on consumption as well as on tapping."

The motion was then put and lost.

Clause 14A (now 14).

The Hon'ble Babu Radha Charan Pal moved that, in sub-clause (*1*) of clause 14A (*now* 14) of the Bill, the words "Subject to provisoes (*i*) and (*ii*) of section 14" be substituted for the words "Notwithstanding anything contained in the proviso to section 14."

He said:—"Your Honour—Clause 14 (*now* 13) provides that no license is necessary for drawing *tari* by the person in possession of the tree, if it be for the purpose of using it in the manufacture of *gur* or molasses, or for domestic consumption up to a limit of four seers, but the very next clause, namely, 14A (*now* 14), takes away that statutory right. True, the Local Government has discretionary power to take away or retain it, and I have no doubt that this discretion will be wisely exercised, but it is not at all fair to take with one hand what has been given with the other. A very important indigenous industry, the manufacture of sugar, depends on the sap of the date and the palmyra. This industry will be greatly hampered if any restriction is imposed on the use of *tari*. Again, no person in possession of a tree shall be at liberty to use for domestic consumption, any quantity of *khejur ras*, however small. I believe this is not the intention of the Government, and therefore I beg to move the amendment which stands in my name."

The Hon'ble MR. MACPHERSON said:—"I do not accept this amendment, Sir. I said that there was no intention of interfering with the sugar industry. Nor is there any immediate intention of even experimentally introducing clause 14A (*now* 14) into any district in which the date sugar industry is practised. When any area is notified under clause 14A (*now* 14) power will exist under sub-clause (*3*) to declare that its provisions shall not apply to trees tapped under such conditions as may be prescribed. I submit that this is a sufficient provision."

The motion was then put and lost.

The Hon'ble Mr. Macpherson, by leave of the President, withdrew the following motions of which he had given notice, namely:—

(19) that clause 16 (*now* 17) of the Bill be omitted,

(76) that sub-clause (*f*) [*now* (*h*)] and the word "or," at the end of sub-clause (*ee*) [*now* (*g*)] of clause 51 (*now* 46) of the Bill, be omitted.

[*Babu Deba Prasad Sarbadhikari; Mr. Macpherson.*]

He said:—"It was suggested to me that clause 16 (*now* 17) of the Bill was surplusage on the ground that clause 11 (*now* 10), read with the definition of the word 'transport,' covers the whole ground. But on further consideration, and specially after considering the definition of the word 'place' in the definition clause, it seems to me that there may be some doubt whether it would be safe to omit clause 16 (*now* 17). I therefore ask leave to withdraw this amendment and also the consequential amendment of clause 51 (*now* 46), which is No. 76 on the Notice paper.

Clauses 17, 18 and 19 (*now* 18, 19 and 20).

The following motions were discussed together, namely:—

20. The Hon'ble Babu Deba Prasad Sarbadhikari to move that the following words be added at the end of sub clause (*d*) of clause 17 (*now* 18) of the Bill, namely:—

or kept in bond, pledge or hypothecation for valuable consideration.

22. The Hon'ble Babu Deba Prasad Sarbadhikari also to move that the following be inserted after sub-clause (*b*) of clause 18 (*now* 19) of the Bill, namely:—

(*bb*) any foreign liquor which is kept in bond, pledge or hypothecation for valuable consideration.

25. The Hon'ble Babu Deba Prasad Sarbadhikari also to move that the following be added at the end of clause 19 (*now* 20) of the Bill, namely:—

or (*d*) the sale of foreign liquor or country liquor by a person in possession of the same, when such possession has been acquired by virtue of any bond, pledge or hypothecation for valuable consideration.

He said:—"The principle involved in these three amendments is the same. All that I am aiming at in these amendments is to give some protection to those who, in the ordinary course of business, have advanced money on stock like this, either by way of bond, or by way of pledge or hypothecation. I seek to add the words "for valuable consideration" in order to have a proper safeguard against misuse of the protection of the provisions. People who possess liquors for consumption and buy for such purposes, will under certain circumstances mentioned in this section, have reasonably enough been afforded some relief, but these reasons apply in an equal degree to those who, in the course of business, may have advanced money, and ought to have a certain amount of protection of the kind that I indicate in my amendment. Of course, the matter will have to be safeguarded but if we insist upon this being permissible only in the case of a bond being of valuable consideration, all reasonable safeguards will be provided."

The Hon'ble Mr. Macpherson said:—"I would not recommend that these three amendments be accepted. It would not be safe to protect hypothecation of excisable articles. The Bill only protects the sale of liquor when it is made in accordance with clause 19 (*now* 20). Before any person takes in bond or in hypothecation, he should seek the permission of the Collector. The Collector can give authority when he thinks proper, under sub-clause (2) (*c*) of clause 17 (*now* 18). I would recommend, therefore, Sir, that these three amendments should not be accepted by the Council."

The motions were put and lost.

Clause 17 (*now* 18).

The Hon'ble Babu Deba Prasad Sarbadhikari, by leave of the President, withdrew the following motion of which he had given notice, namely:—

that the words "a day" be inserted after the word "seers" in sub-clause (*g*) of clause 17 (*now* 18) of the Bill.

[*Babu Radha Charan Pal; Mr. Macpherson; Babu Deba Prasad Sarbadhikari.*]

Clause 18 (now 19).

The Hon'ble Babu Radha Charan Pal moved that to sub-clause (*2*) of clause 18 (*now* 19), of the Bill, the following be added, namely:—

or (*e*) *tari*, up to a limit of four seers, when in the possession of the person possessing the tree from which it was drawn and intended to be used for his domestic consumption.

He said:—"By this amendment I propose to exempt *tari* up to limit of 4 seers for domestic consumption from the operation of sub-clause (*1*) of clause 18 (*now* 19), which provides that no person shall possess any excisable article in excess of the maximum limit fixed by the Board for retail sale of that article. I will omit sub-clause (*d*) with your permission."

The Hon'ble MR. MACPHERSON said:—"I would not accept this amendment, Sir. I think it has been moved in misunderstanding. Clause 18 (*now* 19) refers to the possession of excisable articles in excess of such limit as the Board has laid down for retail sale. The clause which refers to the possession of excisable articles not obtained from a licensed vendor is clause 17 (*now* 18), and in 17 (*e*) [*now* 18(*e*)] we have such a provision as the Hon'ble Member would wish to insert in 18 (*now* 19). Nothing would be gained by making such an addition to 18 (*now* 19)."

The motion was then put and lost.

The Hon'ble BABU RADHA CHARAN PAL also moved that to sub-clause (*3*) of clause 18 [*now* sub-clause (*4*) of clause 19] of the Bill the following be added, namely:—

Provided that no such prohibition shall apply to—

(*a*) *tari* intended to be used in the manufacture of *gur* or molasses, or

(*b*) *tari* intended to be used in the manufacture of bread by a person holding a permit to use *tari* for that purpose, or

(*c*) *tari*, up to a limit of four seers, when in the possession of the person possessing the tree from which it was drawn and intended to be used for domestic consumption.

He said:—"Sub-clause (*3*) of clause 18 [*now* sub-clause (*4*) of clause 19] gives the Local Government absolute power to prohibit any person to possess any excisable article in any quantity. With whatever powers the Local Government may be vested in this respect, these powers should not be extended over *tari* intended to be used for the manufacture of *gur*, the manufacture of bread, and up to the limit of four seers for domestic consumption. I believe it is the acknowledged principle of the Bill not to interfere with *tari* in these respects, and I hope that on this principle this amendment will be accepted."

The Hon'ble MR. MACPHERSON said:—"I submit, Sir, that the amendment is unnecessary. The object of this sub clause (*3*) of clause 18 [*now* 19 (*4*)], as the Notes on Clauses tells us, is to obtain the necessary control over excisable articles, and to enable special measures of restriction to be taken in the case of cocaine and other intoxicating drugs. It is not reasonable to suppose that Government will use the power given by the sub-clause to nullify concessions which have been allowed for many years in favour of *tari*."

The motion was then put and lost.

New clause.

The Hon'ble Babu Deba Prasad Sarbadhikari moved that the following be inserted after clause 19 (*now* 20) of the Bill, namely:—

Sale of foreign liquor and country liquor in the same premises.

19A. The Local Government may, by notification, declare that in any specified area, foreign liquor and country liquor shall not be sold in the same premises by a license-holder.

[*Mr. Macpherson; The President.*]

He said:—"This class of mixed license sometimes means a great abuse, and country liquor is turned into foreign liquor which is hurtful from more points of view than one, and is certainly injurious to revenue. The sale of country and foreign liquor on the same premises leads to abuses of other descriptions, places temptations in the way of poor people who, though accustomed to and seeking none other than the cheap and comparatively harmless country liquor, may not in time be quite content with the humble country product, and will gradually go on to the more expensive and more injurious foreign liquor, particularly if a result facilitated an undetected adulteration it be offered cheap. For both these considerations I ask that power may be reserved to Government, which may be exercised with caution, that in certain specified areas, foreign and country liquors should not be sold on the same premises. Of course, I am quite alive to the fact, Sir, that in some instances it may lead to a multiplicity of licenses, if different shops for the sale of foreign and country liquor are to be provided in the same area. But I believe that proper care and consideration of the requirements of the locality would enable the authorities to know at once as to whether shops of a particular kind are likely to be wanted there or not, and if there is any objection, this restriction, for the reasons I seek to anticipate, will not come into force; but there are areas where such a restriction would be helpful."

The Hon'ble Mr. Macpherson said:—"I do not advise the Council to accept this amendment. It does not seem to me that it would really help the cause of temperance. Government will have the power to regulate licensing and to forbid the vend of the two liquors on the same premises under the general power given by clause 79 (*now* 85), and in particular by sub-clause 79 (2) (*j*) [*now* 85 (2) (*f*)]. The separation of the vend of foreign and country liquor had the approval of the Indian Excise Committee and the Government of India; and the vend of the two liquors on the same premises is not allowed in the Mufassil in Bengal. The Committee which sat in Calcutta two years ago reported that it was impossible to separate the vend completely in Calcutta without increasing the total number of licensed houses. But a great deal has been since done in reducing the number of conjoint licenses, and the policy of the department is directed to this end, though for the reason given by the Calcutta Committee, it may be some time before the end is completely secured in Calcutta. I oppose the amendment not from any hostility to the principle of the separation of the vends, but because I think that the hands of Government would be rather weakened than strengthened by putting such a permissive provision into the law, which otherwise gives Government complete authority to do what is aimed at."

The motion was then put and lost.

Clause 20 (*now* 21).

The Hon'ble Mr. Macpherson moved that the words "and no exclusive privilege under section 21 in respect of country liquor," in clause 20 (*now* 21) of the Bill, be omitted.

He said:—This clause requires the Commanding Officer in a cantonment to be consulted with regard to licenses and exclusive privilege. "I move this amendment, Sir, because while it seems to me quite right that a Commanding Officer, say, at Dinapore, or Barrackpore, should be consulted before any license for the sale of liquor within the limits of his cantonment is given, it would seem unnecessary to obtain the previous consent of the Commanding Officer before a contract is made for the supply of spirit, say, for the Patna district or the 24-Parganas district."

The motion was put and agreed to.

Clause 21 (*now* 22).

The Hon'ble THE PRESIDENT said:—"The next three amendments—two standing in the name of the Hon'ble Babu Deha Prasad Sarbadhikari and one in the name of the Hon'ble Rai Kishori Lal Goswami, Bahadur, cover much the same ground, and with the consent of the Hon'ble Members they may be discussed together and put to the vote separately."

[*Babu Deba Prasad Sarbadhikari; Rai Kishori Lal Goswami Bahadur; Mr. Macpherson.*]

The following motions were discussed together, namely :—

28. The Hon'ble Babu Deba Prasad Sarvadhikari to move that sub-clause (*d*) of clause 21 (*now* 22) of the Bill be omitted.

29. The Hon'ble Babu Deba Prosad Sarbadhikari also to move that sub-clause (*e*) of clause 21 (*now* 22) of the Bill be omitted.

30. The Hon'ble Rai Kishori Lal Goswami Bahadur to move that sub-clauses (*d*) and (*e*) of clause 21 (*now* 22) of the Bill be omitted.

The Hon'ble BABU DEBA PRASAD SARBADHIKARI said:—"I beg to move, Sir, both the amendments standing in my name. I adopt the arguments of my friends, the Hon'ble Rai Kishori Lal Goswami and Radha Charan Pal, contained in their notes of dissent, and I do not wish to take up the time of the Council by repeating them."

The Hon'ble RAI KISHORI LAL GOSWAMI BAHADUR said :—"I have already, Sir, submitted my views in my note of dissent. I shall follow up by reminding the Council that the Anglo-Indian Association and the Calcutta Corporation have expressed the same opinion. Within a brief compass the former has put the case very forcibly, and I take the liberty to read it :—

> '*The Anglo-Indian Association* understand that the great advantage of the contract system is that it separates the manufacture and vend of liquor, and that this separation tends to prevent adulteration and illicit sale. The Association cordially approve such a system, but do not understand why, in the circumstances, clause 21 should mix up manufacture and wholesale and retail sale as it does, and provide for their inclusion in one license, the holder of which may employ an agent to help him in thwarting the avowed purpose of the Government in adopting the contract system.'

"The restriction which is now proposed, namely, to separate the vend from the manufacture of liquor, will, I believe, not prejudice the Excise administration nor lead to practical difficulties of any kind."

The Hon'ble MR. MACPHERSON said :—"This is a somewhat technical matter, Sir. Objection is taken to clause 21 (*now* 22), *first*, because it is said that it does not sufficiently provide for separation of manufacture from vend, and, *secondly*, because it does not require Government to obtain local opinion before grant of an exclusive privilege. With regard to the second point, my friend, the Hon'ble Babu Radha Charan Pal, has an amendment (No. 31) to which we shall be coming shortly. This clause follows the Madras Act and the Indian Excise Committee's Bill. It is said to be wide enough to cover the grant of a farm or district monopoly or of a contract to supply spirit on the contract system. So far as regards farm of duties, the clause to some extent takes the place of the provisions of sections 20 to 25 of our existing Act.* Whereas, however, under the existing Act* it is the Board who sanction farms and make rules as to farming, under the new Act the Local Government will have to approve unless it delegates its power. In fact, no farms of excisable articles are at present given in this province. It has been suggested that the number of shops for the sale of *tari* might be considerably reduced if farms be given, but this suggestion has not yet been worked out or applied in any district of the province. The separation of the rights of wholesale supply and retail vend is enforced in all areas in which contract spirit is supplied, that is, about 19 districts of this province, and it is also in force in Calcutta. The distillers who supply Calcutta are not allowed to have retail shops. In the outstill areas, of course, manufacture and vend go together. It is the policy of Government to abolish the outstill system everywhere, but there are difficulties in the way. Government does not wish to give a large and exclusive monopoly of the supply of country spirit to a few persons only; and the construction of distilleries and warehouses is an expensive business, for which funds are not always forthcoming. I will give another instance of the difficulty of complete separation of wholesale supply and vend. Hon'ble Members know that the import of cocaine is restricted to certain firms of chemists and druggists, who, perhaps, may be said to have exclusive privileges. These authorised firms supply cocaine wholesale on orders received from hospitals and dispensaries, or from other

* The Bengal Excise and Licensing Act, 1878 (Ben. Act VII of 1878).

[*Babu Radha Charan Pal; Mr. Macpherson; The President; Babu Deba Prasad Sarbadhikari.*]

licensed firms, but they also make retail sale to customers up to 20 grains, in compliance with medical prescriptions. In fact, the varying conditions of the trade in drink and drugs make it necessary that there should be varying systems of control. It is said that clause 21 (*now* 22) does not make it obligatory on Government to be guided by local opinion when it gives an exclusive privilege; and it is quite true that the clauses prescribing the procedure to be adopted for ascertaining public opinion do not apply in regard to wholesale supply, but they do apply in regard to any retail shops which may be opened in accordance with any exclusive privilege given. I shall have some more remarks to make with regard to the question of consulting the public on the next motion for amendment, but I would oppose these amendments (28 to 30) on the grounds that I have stated."

The Hon'ble BABU RADHA CHARAN PAL said:—"I support this amendment."

Motions 28 and 29 were put and lost.

The said motions having been lost, motion No. 30 was not put.

The Hon'ble Babu Radha Charan Pal had given notice that he would move that after sub-clause (*1*) of clause 21 (*now* 22) of the Bill, the following proviso be inserted, namely:—

> Provided that, before granting any such exclusive privilege, the Local Government shall notify its intention in the area affected, and shall consider any objections which may be submitted to it by any public body or by any person residing within such area.

By leave of the President he moved that the proposed proviso should run as follows:—

> Provided that public notice shall be given of the intention to grant any such exclusive privilege, and that any objections made by any person residing within the area affected shall be considered before an exclusive privilege is granted."

He said:—"Your Honour, with your permission, I will move this amendment which has been kindly framed for me in modification of the original amendment, by the Hon'ble Member in charge of the Bill. The original amendment suggested that the Local Government only should notify its intention to grant exclusive privilege. The modified amendment requires any of the authorities empowered to grant such privilege to notify its intention. I believe, Sir, this amendment will be accepted by the Hon'ble Member in charge of the Bill. Clause 21 (*now* 22) of the Bill proposes to give wide powers to the Local Government to grant exclusive privileges for manufacture and sale of country liquor and drugs. Several public bodies have opposed this clause. The clause, as now framed, does not allow any opportunity to the public to question the decision in this matter. The proposed amendment is a very modest one, and it has the support of the Hon'ble Member in charge of the Bill. I believe it will be accepted by the Council."

The Hon'ble MR. MACPHERSON said:—"I accept the amendment as moved by the Hon'ble Member."

The motion to amend the clause as in the amendment, put by leave of the President was then put and agreed to.

Clause 24 (now 25).

The Hon'ble THE PRESIDENT said:—"The next two amendments, with the permission of the Hon'ble Member, may be discussed together."

The following motions were discussed together, namely,—

32. The Hon'ble Babu Deba Prasad Sarbadhikari to move that for the words "foreign liquor or country spirit," in lines 1 and 2 of sub-clause (*1*) of clause 24 of the Bill, the words "any excisable article" be substituted.

[*Mr. Macpherson; The President; Babu Radha Charan Pal.*]

33. If the last foregoing amendment be carried, also to move that for the words "liquor or spirit," in line 7 of sub-clause (*1*) of clause 24 (*now* 25) of the Bill, the word "article" be substituted.

He said:—"No child should be employed in any liquor or drug shop where consumption takes place. There will be no hardship with regard to shops in which drugs are sold, but not allowed to be consumed. I submit therefore that a wider application of the principle that children ought not to be allowed to be associated with the sale of intoxicating articles ought to be insisted on. Without adoption of the whole of the amendment the object of the principle of exclusion of children for these dens of vice and immorality which the Select Committee has accepted, will be thwarted and baffled. The restriction will not operate harshly on grocery shops where drugs are sold, because they are not consumed there or ought not to be."

The Hon'ble MR. MACPHERSON said:—"Are we discussing only 32?"

The Hon'ble THE PRESIDENT said:—"32 and 33 together: 33 is only consequential on 32."

The Hon'ble MR. MACPHERSON said:—"I would not accept either of these amendments. It will be noticed that clause 24 (*now* 25) practically falls into two parts. The first part applies to children and the second part to women. Then it will be noticed that, whereas, when this Bill was introduced in Council, it applied only to public rooms of premises, the Select Committee have made it apply to any part of the premises in which liquor is consumed. We made this alteration because it was represented that liquor is consumed in courtyards as well as in rooms. On the other hand, we limited the application of the first part of the clause to foreign liquor or country spirit, both because of the wider application which we had made to every part of the premises in which liquor is consumed by the public, and also because it seemed to us to be unnecessary to prohibit the employment of children on premises where *tari* is sold or where *ganja* is sold as a part, *e.g.*, of a grocery business. I am speaking, Sir, of the Hon'ble Babu Deba Prasad Sarbadhikari's motion for substituting the words 'any excisable article' for the words 'foreign liquor or country spirit.' That, Sir, would in one sense restore the position to what was proposed when the Bill was introduced in Council. But in fact the position is greatly changed by the extended application so far as the premises are concerned. The English law as passed last year fell short of the provisions which we are considering. The English Act, known as the Children's Protection Act of 1908, which forbids a license-holder to allow a child to be at any time during open hours in the bar of licensed premises, defines a child as a person under 14 years of age. The English law does not forbid a child to be employed on licensed premises, but only forbids him to be employed in the bar of licensed premises; and the word 'bar,' as the Council will be aware, has a restricted meaning. But if the whole of the courtyard in which country spirit is sold be regarded as a bar, then so far as regards the sale of country spirit we have still gone as far as the English law goes, but in the case of a hotel or restaurant we have gone much further. For these reasons I would advise the Council not to accept this amendment."

Motion No. 32 was put and lost.

The said motion having been lost, motion No. 33 was not put.

The Hon'ble THE PRESIDENT said:—"The next five amendments standing in the name of three different Members—the Hon'ble Babu Radha Charan Pal, the Hon'ble Babu Deba Prasad Sarbadhikari, and the Hon'ble Rai Kishori Lal Goswami, Bahadur—all deal with a single point, and they are more or less in the alternative. With the consent of the three Hon'ble Members, they may be all discussed together."

The following motions were discussed together, namely:—

34. The Hon'ble Babu Radha Charan Pal to move that, in line 6 of sub-clause (*1*) of clause 24 (*now* 25) of the Bill, the word "eighteen" be substituted for the word "fourteen."

[*Babu Deba Prasad Sarbadhikari; Rai Kishori Lal Goswami Bahadur; Babu Radha Charan Pal.*]

35. If the last foregoing amendment be not carried, also to move that, in line 6 of sub clause (*1*) of clause 24 (*now* 25) of the Bill, the word "sixteen" be substituted for the word "fourteen."

36. The Hon'ble Babu Deba Prasad Sarbadhikari to move that for the word "fourteen", in line 6 of sub-clause (*1*) of clause 24 (*now* 25) of the Bill, the word "eighteen" be substituted.

37. If the last foregoing amendment be not carried, also to move that for the word "fourteen", in line 6 of sub-clause (*1*) of clause 24 (*now* 25) of the Bill, the word "sixteen" be substituted.

38. The Hon'ble Rai Kishori Lal Goswami, Bahadur, to move that the word "sixteen" be substituted for the word "fourteen" in line 6 of sub-clause (*1*) of clause 24 (*now* 25) of the Bill.

The Hon'ble Babu Radha Charan Pal said:—"Public opinion is unanimous that there should be an age-limit for the employment of children in liquor-shops, and I thank the Government for fixing an age-limit in deference to that opinion. But I hope the Legislature will not overlook the fact that there is a consensus of opinion that the age-limit in the Bill should be raised from 14 to 18. Eighteen years is the age of discretion and majority in this country. It is generally presumed that a child of 18 years should be in a better position to resist the demoralising influence of a liquor-shop or any other place for the sale of intoxicating drugs than a child of fourteen. Public opinion is very strong on this point. The Society for the Protection of Children in India and the Calcutta Corporation suggest eighteen years as the minimum age. Even official opinion supports this view. The Commissioner of Burdwan goes further and suggests that the employment of children should be definitely prohibited in the sale of excisable articles generally and not merely in the premises where they are consumed. The Collector of Midnapore also suggests that the age-limit should be raised. The juvenile employees in these liquor shops are recruited from the lower classes of society. Uneducated and of immature understanding they fall an easy prey to the temptations of such abominable surroundings. It is, therefore, all the more necessary that the age-limit should be raised. The protection and well-being of children is one of the most important duties of Government, and I am glad that Government is fully alive to it. I am, therefore, not without hope that my amendment will be accepted."

The Hon'ble Babu Deba Prasad Sarbadhikari said:—"Sir, I have also to thank the Government that it has at last seen its way to adopt some age-limit, and in moving for the limit being raised to 18, I realise the difficulty that in some cases in England the age-limit is 16. Popular opinions and ideas about affording drink facilities to women and children are, however, not the same in this country as in England, and it would not be too outrageous here for a young lad of 16 to be told that he cannot be served at the bar or supplied with liquor, considering that drinking is ordinarily looked upon with the greatest possible disfavour in our midst, and drinking by children is looked upon with great abhorrence. We therefore ask that at least the legal age-limit of 18 be fixed as the limit before which drinking facilities will not be openly given and encouraged. And the same remark applies to the seller as well as the consumer. What is good is good for all time, and the question is not simply one of making a beginning and fixing the age-limit at 14 to begin with. If we now fix upon 14, it will be difficult later on to ask for the age-limit to be raised. We have made a beginning and the beginning ought to be made well, and I am afraid, Sir, and submit that 14 is not at all the limit which meets with anything like public approval. I shall not go over the same ground as my friend, Babu Radha Charan Pal, in referring to the various amendments to be found in the names of different Hon'ble Members, but there is unanimous opinion in regard to the matter, and throughout it is considered that 14 is not at all a satisfactory age-limit. I do not think therefore in asking for the age-limit to be raised we are asking anything

that will be objected to by the public; but if for any reason, 18 should appear to be far too large a demand, I have an alternative, and my friends also have an alternative in asking for the age-limit to be raised to 16. With Your Honour's permission, I am referring to this other amendment standing in my name so that the time of the Council may not be needlessly taken up in going over the same ground; and if Your Honour's Government decides that the age-limit of 18 is too large, 16 at all events ought to be accepted. That three Members of the Council have thought it necessary, quite independently of one another, to urge this point upon Your Honour's Government is proof enough of the feeling in regard to the matter; and as Government has been graciously pleased, after all, to give us a limit, we hope and pray, Sir, that that limit will be fixed at least at 16."

The Hon'ble RAI KISHORI LAL GOSWAMI BAHADUR said:—"Your Honour—I congratulate Your Honour's Government on having for the first time recognised the importance of fixing a prohibitive age-limit in regard to retail grog shops. The question now before the Council is as to whether the age-limit decided upon by the Select Committee will be accepted, or whether it should be raised to 16 years. The Legislature in England for a number of years hovered between the two prohibitive age-limits, namely, 14 and 16, as the old statutes of England will testify. The Legislature in this country, and forsooth in England too, have evinced great anxiety to protect the property of minors, pushing the limit in age to 18 and 21 in varying circumstances, and, Sir, what we ask for is that similar anxious consideration for the protection of the morals of children in connection with Excise legislation. Your Honour must have noticed, in the excellent *précis* that has been prepared by the Secretary, the remarkable measure of unanimity in regard to fixing that limit of age at 16. The unanimity is remarkable, for persons and Associations holding different social and political views have agreed as to the prohibitory limit of age. That opinion is considerably strengthened by the opinion of high-placed officials in this country who have, as Your Honour may have noticed, also emphasised the propriety of the higher age-limit which I am pleading for. The correct age of a child must in most cases be a matter of inference, the general appearance being the only guide, and the period between 14 and 16 will, in the generality of cases, be a debatable ground. It is therefore desirable to lay down the higher limit, so that, at all events, it will ensure the exclusion of children up to the age of 14 from grog shops, where spirit is consumed, drunken antics and drunken brawls of the most odious kind are not unusual concomitants. I assure Your Honour that the acceptance of the amendment proposed by me, which is the more modest of the two now before the Council, will satisfy one of the most clamant public demands in connection with the question of the Excise administration of this province. I hope, Sir, that the amendment proposed by me will be accepted by the Hon'ble Member in charge of the Bill and also by the Members of this Council."

The Hon'ble SIR CHARLES ALLEN said:—"I do not know what view the Council will take of the exact age to be fixed. There are one or two considerations, however, which have not been put before the Council by Hon'ble Members, which I would like to state briefly. The Hon'ble Babu Deba Prasad Sarbadhikari has referred only to the interests of the public and to the interests of temperance, but there is another interest to be considered in this matter, and that is the interests of the vendor. The sale of liquor is a legitimate trade, and any restriction which you place on the employment of the vendor's children must be prejudicial to the vendor for obvious reasons. Even the age of 14, if you impose this limit, will prevent the vendor from employing his children of that age, and he will have to employ servants in their place; and as you raise the limit to 16, or may be to 18, you will to a still larger extent increase this burden upon the vendor. I think this is a consideration (I do not say it should by any means outweigh all others), but I think it is a consideration which should be before the Council. There is another matter, Sir, in this connection. If I recollect aright, in England, when this matter was under consideration, a number of abuses were brought forward

and proved as having resulted from the employment of children in liquor shops. It was shown that children acquired at an early age a taste for liquor. No such abuse has, so far as I am aware, been proved or even alleged in connection with this particular matter in this country. There is a third consideration, Sir, which I think should also be before us when we are speaking about age, and that is that a child of 14 in this country is certainly quite as old as a child of 16 in England. That I think is an admitted and accepted fact. I present these matters for the consideration of my hon'ble colleagues."

The Hon'ble MR. DAS said:—"The Hon'ble Members—the non-official Members to my left, have supported this amendment, and they have also said, Sir, that this amendment has been pressed before Your Honour in consequence of public feeling. The Hon'ble Sir Charles Allen has brought forward certain considerations which certainly ought to have weight in this Council. The question is the employment of the children of the vendor himself, and also it may be the employment of other children who are taken into service. As regards the children of the vendor himself, the argument that their employment in the premises would bring within their knowledge, at an early date, the undesirable scenes of an objectionable house ought not to carry much weight, Sir, because at any rate, perhaps, the vendor's children will be frequently going to the place and seeing these scenes there without even being employed. There is another view of the question and that is, it is not only what should be the age of the child employed. We should not look at the question only from the point of view that he is likely to degrade himself at an early age, but there is another view of the question and that is, at what age do the susceptibilities of such temptation develop in a child? I cannot imagine that a child of 7 or 8, even if he were to see these scenes of drinking propensities, would remember them again. The real question is at what age in this country the susceptibilities of degradation develop, and when is it likely that a child in this country would imitate the doings of others who are in the power of such degradation. The question is not free from difficulty, but if we, I submit, Sir, adopt the age that has been accepted in England, we shall at least have the force of conviction; and considering there is much public feeling, and considering that the difference in two years will not make much difference, I submit respectfully that we should be acting prudently if we accepted the English age. I do not attach any importance whatever to the age of majority because a man, when he is grown up, unless his character has been formed, if he is thrown in environments which are likely to lead him to ways of evil, is more likely to be led away to the paths of evil than when he is a child."

The Hon'ble MR. MACPHERSON said:—"I think, Sir, that this is a difficult point. There is evidence of a considerable body of opinion in favour of protecting children to a more advanced age than 14. But there are considerations which I would wish to place more clearly before the Council than perhaps I was able to do in my remarks on the preceding motion. I wish first to point out to the Council how we have broadened the prohibition with regard to the employment of a child on premises licensed for sale of spirit, country or foreign. This is not a question of employment in a public room, but on premises. Therefore the licensee of country spirit will not under our Bill be allowed to employ his child on his premises; and the prohibition will exist not only with regard to handling of the liquor, but also with regard to bringing wood or water, or doing other work on the premises. The more we raise the age, the more we increase the difficulty of the licensed vendor in keeping his family in his house or in his yard, or employing his children, even on domestic work. I say that the prohibition has in this way made the position of the licensee a great deal more difficult, and I pointed out that the prohibition in England is not with regard to premises, but with regard to the bar on premises. Then, Sir, a mistake was made by an Hon'ble Member with regard to the age-limit in England. The age-limit for employment of children in licensed premises in England is not 16, but 14. The matter is provided for in the Children's Protection Act of last year, in which a child is defined as a person below the

age of 14. A person below the age of 16 is a 'young person' and does not come under the prohibition of employment."

The Hon'ble THE PRESIDENT said:—"In private negotiation with two of the Hon'ble Members, I gave them some reason to expect that if a strong feeling was expressed on the subject of age, the Government would be prepared to consider the matter favourably. While we have heard what has fallen from three Hon'ble Members to-day who have moved amendments, on the other hand we have the opinion of the Hon'ble Sir Charles Allen and the Hon'ble Mr. Das; and what is more important than all to my mind, is the remark which has just been made by the Hon'ble Member in charge of the Bill to the effect that the age-limit of employment in England is not 16, but 14. One reason why I thought 14 would be sufficient in this country was that I was under the impression that 16 was the limit at home, and as Orientals usually develop rather more rapidly than northern races, the age of 14 would correspond to the English age. If, however, the English age is 14, that argument disappears altogether. Therefore I am inclined to think that we should not accept any of these three amendments. After hearing the discussion, I cannot recommend the Council to do so."

Motions 34 and 35 were put and lost.

The said motions having been lost, motions 36, 37 and 38 were not put.

The Hon'ble THE PRESIDENT said:—"Motions 39 and 40 stand in the name of the Hon'ble Rai Kishori Lal Goswami, Bahadur. Perhaps with the Hon'ble Member's permission, they may be taken together.

The Hon'ble Rai Kishori Lal Goswami, Bahadur, by leave of the President, withdrew the following motions of which he had given notice, namely:—

39. That the words "or any woman" be inserted after the word "years" in line 6 of sub-clause (*1*) of clause 24 (*now* 25) of the Bill, and

40. if the last foregoing amendment be carried, that sub-clauses (*1a*) [*now* (*2*)] and (*1b*) [*now* (*3*)] of clause 24 (*now* 25) of the Bill be omitted.

The Hon'ble THE PRESIDENT said:—"Motions 41 and 42, standing in the name of the Hon'ble Babu Deba Prasad Sarbadhikari, may, with his permission, be discussed together."

The following motions were discussed together, namely:—

41. The Hon'ble Babu Deba Prasad Sarbadhikari to move that the words "or country" be inserted between the words "foreign" and "liquor" in line 1, sub-clause (*1a*) [*now* (*2*)] of clause 24 (*now* 25) of the Bill.

42. If the last foregoing amendment be carried, also to move that sub-clause (*1b*) [*now* (*3*)] of clause 24 (*now* 25) of the Bill be omitted.

He said:—"A concession to public opinion has been made in this matter regarding foreign liquor, and no woman can be employed without the previous written permission of the Board. It is not quite apparent why country liquor has been omitted from the list of this wholesome reservation. I am aware that it has been urged that vendors' wives and daughters and other womenfolk may be employed either in the sale or otherwise on the premises, and it would operate harshly on them if they were not allowed to do so. With regard to this particular class of people and in particular backward tracts, whenever Revenue authorities consider them entitled to such special treatment, they can be dealt with with the assistance of previous permission, for which provision has been made in this clause. But leaving out the objection about employment of women altogether, with regard to the sale of country liquor, it has not found any justification in the opinions that have been placed before us, and the statement that no case has been made out for such exclusion does not count. The morals of people not drinking foreign liquor, but content with

[*Mr. Macpherson; The President; Babu Radha Charan Pal.*]

country spirits require equal protection. Of course, cases are always brought to the notice of those who have any degree of intimate acquaintance with these matters. That they do not often find their way into law courts or the press is not a matter to deter Legislature from making this wholesome provision applicable in the case of country liquor as well. It is considered objectionable on police grounds that women should have anything to do with places where liquor is consumed, and extension of the provision is consequently necessary. I submit that we have not got to prove that the reservation ought not to be made. Those who claim that country liquor ought to be placed out of the limits of this reservation in no way make out that there are good reasons for allowing such an exclusion. Such may possibly be necessary in the case of a certain class of people in certain areas, where women are forced to work, but their case can be well provided for by permission under this clause, and wholesale exemption can in no way be justified."

The Hon'ble MR. MACPHERSON said:—"The Hon'ble Member's amendment, Sir, is a very wide one. The words 'country liquor' in clause (*1a*) [*now* (*2*)] would prevent the seller of *tari* from employing his wife in the business of sale. The Indian Excise Committee advised that sale of liquor by the wife of a licensee, or by a respectable women, is open to no valid objection on the score of sex. The *tari*-drawer is employed the greater part of the day in tapping his trees, while his wife sells the *tari* to customers. The prohibition of sale in such a case would be an unwarrantable hardship. So with *pachwai*, it is often the wife who makes the *pachwai*. The Select Committee on this Bill found that there is a good deal of opinion in favour of prohibiting the employment of women in country-spirit shops, one branch of the country liquor traffic; and they proposed only that the Local Government should be authorised to prohibit such employment in specified areas. It has not been stated that Indian women are extensively employed in country-spirit shops, or that any scandal has resulted from their employment in such shops, such as gave rise to the prohibition of the employment of barmaids in premises licensed to sell foreign spirits. I would therefore advise the Council, Sir, to reject this amendment."

Motion No. 41 was put and lost.

The said motion having been lost, motion No. 42 was not put.

The Hon'ble THE PRESIDENT said:—"The two amendments in the name of the Hon'ble Babu Radha Charan Pal, 43 and 44, follow one on the other, and with his consent may be discussed together."

The following motions were discussed together, namely:—

43. The Hon'ble Babu Radha Charan Pal to move that the words "without the previous written permission of the Board," in sub-clause (*1a*) [*now* (*2*)] of clause 24 (*now* 25) of the Bill, be omitted.

44. If the last foregoing amendment be carried, also to move that sub-clause (*2*) [*now* (*4*)] of clause 24 (*now* 25) of the Bill be omitted.

He said:—"The employment of women in liquor shops has evoked universal opposition. From the point of view of both decency and morality the presence of women in liquor shops should be interdicted, and it should not be optional with the Board to permit their employment in liquor trade. Some of the important officials also support public opinion on this point. The Commissioner of the Tirhut Division considers the employment of women in the sale of spirits of all kinds to be demoralising, and he suggests that this should be prohibited. The Commissioner of Orissa also takes the same view, and the Collectors of Howrah and Hooghly would bar the employment of women in all excise shops. The Corporation of Calcutta recommends the prohibition of employment of children and women in all excise shops. Wine is accountable for many an act of illegality and criminality, and I hope its evil influence will not be further increased by the association of women with it."

[*Mr. Macpherson; Babu Deba Prasad Sarbadhikari; Babu Radha Charan Pal.*]

The Hon'ble MR. MACPHERSON said:—"I would not accept this amendment, Sir, because the previous written permission of the Board of Revenue was the safeguard that was imposed in the Amending Act of 1903. It was not intended by the Legislature in 1903 to prevent a hotel-keeper or keeper of a restaurant from employing his wife, or daughter, or sister, or other near relative living with him in taking part in his business, but it was left to the Board to give the necessary permission in such cases."

Motion No. 43 was put and lost.

The said motion being lost, motion No. 44 was not put.

The Hon'ble Babu Deba Prasad Sarbadhikari moved that the following be added to sub-clause (*1a*) [*now* (*2*)] of clause 24 (*now* 25) of the Bill, namely:—

This sub-section applies to a woman who is a license-holder.

He said:—"This explanation is intended to secure amending legislation. The salutary provision of this clause is likely to be evaded in the case of family proprietors or family license-holders. It would be very easy to evade the law by taking out a license for a woman where a woman is to be prohibited. The license-holder should also be prohibited from being employed, and she must be called upon to manage the business by a male representative."

The Hon'ble MR. MACPHERSON said:—"This amendment, Sir, may appear to be a logical consequence of the preceding clause, but there is, I would submit, a difference. It was not intended to impose absolute disqualification of sex in this matter. It is well known that many hotels and boarding-houses which take out hotel licenses for the sale of imported liquors are managed by women. This is a common arrangement in Calcutta and in Darjeeling, and when, Sir, it is a question of giving a license or not, I think that trust may be reposed in the local officers not to give licenses to women who should not have them. I would not accept this amendment."

The motion was then put and lost.

The Hon'ble Babu Radha Charan Pal moved that the words "or *tari*" be inserted after the words "country spirit" in sub-clause (*1b*) [*now* (*3*)] of clause 24 [*now* (*25*)] of the Bill.

He said:—"*Tari* shops, like liquor shops, should be under the control of the Local Government in the matter of employment of women. The evils arising out of the employment of women in *tari* shops are not less prominent than in the case of liquor shops, and in the interests of society the restriction ought to extend to the *tari* shops also."

The Hon'ble MR. MACPHERSON said:—"I would not recommend that this amendment be accepted, Sir. In previous remarks I have stated to the Council that it is the ordinary arrangement for the wife to sell the *tari* which her husband taps. If it should be thought necessary in any particular area to prevent such sale, it would be possible for Government to direct that an addition should be imposed in a license preventing the employment of women in a *tari* shop in any particular town or area, but it is a different matter to make such employment Penal. I would therefore advise the Council not to accept this amendment."

The motion was then put and lost.

Clause 25 (now 26).

The Hon'ble Babu Deba Prasad Sarbadhikari moved that, in line 1 of sub-clause (*1*) of clause 25 (*now* 26) of the Bill, the words "or Sub-divisional" be inserted between the words "District" and "Magistrate."

He said:—"The provision that has been made in this clause is quite a healthful one, but if it is limited only to District Magistrates, there may be serious difficulties in Sub-divisional towns the Magistrates of which ought to have powers like these."

[*Mr. Macpherson; The President; Babu Deba Prasad Sarbadhikari; Babu Radha Charan Pal.*]

The Hon'ble MR. MACPHERSON said:—"I would accept this amendment with a slight verbal alteration which would run so that the words "or a Sub-divisional Magistrate" would be inserted after the words "District Magistrate."

The motion was put in the amended form and agreed to.

The Hon'ble THE PRESIDENT said:—"The next two amendments may be, I think, discussed together, if the Hon'ble Member agrees."

The following motions were discussed together, namely:—

48. The Hon'ble Babu Deba Prasad Sarbadhikari to move that, in line 2 of sub-clause (*l*) of clause 25 (*now* 26) of the Bill, the words "or the Commissioner of Police" be inserted after the words "Presidency Magistrate."

49. If the last foregoing amendment be carried, also to move that in line 4 of sub-clause (*l*) of clause 25 (*now* 26) of the Bill, the words "or Commissioner" be inserted after the words "such Magistrate."

He said:—"My reason for this amendment is, Sir, that if it is necessary to give the Chief Presidency Magistrate the power that this clause provides, it is still more necessary to exercise that power during hours that the Magistrate may not be in session, and these are the hours of greater difficulty. During these hours an official, such as the Commissioner of Police, should be trusted with such powers."

The Hon'ble Mr. Macpherson, by way of further amendment, suggested that in motion 49 the words "of Police" be inserted after the words "or Commissioner."

Motion No. 48 was put and agreed to, and motion No. 49 was put in the amended form and agreed to.

The Hon'ble Babu Deba Prasad Sarbadhikari also moved that the words "for the preservation of the public peace," at the end of sub-clause (*l*) of clause 25 (*now* 26) of the Bill, be omitted.

He said:—"It may not always be considerations of public peace that require the closing of shops. There may be considerations of health, morality and public order which is under the same head as that of public peace, which may require the closing of shops for a short time, and I think the officers who are now being vested with the powers that this clause gives may well be trusted to judge whether the circumstances are such as warrant such a measure. In the past there have been (I may almost say the remote past) cases where the Commissioner of Police has wrongly interfered, but the growing requirements of the time demand that power should in exceptional cases be given to deal promptly with situations like these. I think the words that I mention ought to be omitted."

The Hon'ble MR. MACPHERSON said:—"I would not accept this amendment, Sir. I think that the authorities named should act in this matter only for the preservation of the peace, and that in other cases it should be left to the authorities who issue the license to take action to withdraw it."

The Hon'ble BABU RADHA CHARAN PAL said:—"I regret I cannot agree with my hon'ble friend in omitting the words 'for the preservation of the peace.' In Calcutta the Commissioner of Police is one of the officials in whom this power will be vested, and it is essential that the Commissioner of Police should exercise this power only for the preservation of the public peace. With regard to the morality of the people to which my friend has referred, the Legislature has laid down ample provision to safeguard these points. These points will be previously considered before the license is granted in respect of

liquor shops, and I do not think that either the Commissioner of Police or the District Magistrate should interfere with any licensed liquor shop, except on the ground of preservation of the public peace."

The motion was then put and lost.

The Hon'ble Babu Radha Charan Pal moved that to clause 25 (*now* 26) of the Bill the following be added, namely:—

> (*4*) The Local Government shall pay reasonable compensation to the licensee for any loss which he may sustain on account of the closing of any shop under sub-section (*1*) or sub-section (*2*).

He said:—"Sir, clause 25 (*now* 26) very properly invests the District Magistrate, or the Chief Presidency Magistrate, as the case may be, with powers to close any shop in which an excisable article is sold for the preservation of public peace. Any Magistrate or any Police Officer above the rank of a constable may also require any shop to be closed for such period as he may think necessary, if any riot or unlawful assembly occurs or is apprehended. While I fully recognise the value of this salutary provision, I venture to submit that the licensee, who has paid revenue to Government, may justly claim compensation for any loss which he may sustain through the rowdy conduct of others for which he is not in any way responsible. If no compensation is paid, it will be practically punishing the licensee by forcing him to suffer loss for the misconduct of others. This is opposed to the principles of justice and equity, and I believe Government never intended it to be the object of this clause."

The Hon'ble MR. MACPHERSON said:—"I would not accept this amendment, Sir. The licensee takes out his license with his eyes open to the possibilities of the case. Moreover the amendment is not necessary, because in clause 80 (*5a*) [*now* 86 (*11*)] we have taken power to make rules with regard to giving such compensation."

The motion was then put and lost.

The Council was then adjourned to the 28th July, 1909, at 11 A.M.

CALCUTTA;
The 6th August, 1909.

F. G. WIGLEY,
Secretary to the Bengal Council.

B. S. Press—9-8-1909—1640J—300—W. M. D'C.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met in the Council Chamber on Wednesday, the 28th July, 1909, at 11 A.M.

Present:

THE Hon'ble SIR EDWARD BAKER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble MR. F. A. SLACKE, C.S.I.

The Hon'ble MR. W. C. MACPHERSON, C.S.I.

The Hon'ble MR. E. W. COLLIN.

The Hon'ble Mr. F. W. DUKE.

The Hon'ble SIR CHARLES ALLEN, KT.

The Hon'ble MR. J. G. CUMMING.

The Hon'ble MR. H. WHEELER.

The Hon'ble MR. E. P. CHAPMAN.

The Hon'ble MR. F. L. HALLIDAY, M.V.O., C.I.E.

The Hon'ble MR. E. GEAKE.

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, M.A., B.L.

The Hon'ble SIR BIJAY MAHTAB, K.C.I.E., MAHARAJADHIRAJA BAHADUR OF BURDWAN.

The Hon'ble BABU DEBA PRASAD SARBADHIKARI, M.A., B.L.

The Hon'ble BABU RADHA CHARAN PAL.

The Hon'ble MR. M. S. DAS, C.I.E.

The Hon'ble MR. C. W. N. GRAHAM.

[*Mr. Das.*]

THE BENGAL EXCISE BILL, 1909.

The Hon'ble MR. DAS, with the permission of the Hon'ble the President, said:—"Within the last few weeks the Vernacular Press of Orissa have urged the necessity of legalising the import of Garjat *ganja* and *bhang* into British Orissa.

"I have always considered it my duty to bring to the notice of Government the feelings and legitimate demands of the people. The Bill now under discussion does not contain a schedule of the excisable articles the "import" whereof will be permitted by Government. That is left to the Local Government. I cannot move an amendment in response to the wishes of the people, and I am not aware of any other opportunity to communicate to Your Honour how the existing rules regarding Garjat *ganja* are viewed by the people and how far the present arrangement has been successful in suppressing the smuggling and illicit consumption of the article.

"The object of all excise laws and rules should be to give the Government a control over the use of intoxicating articles by the people. This control should have a repressive, and not an encouraging, tendency. Direct control is impracticable, because the Government cannot undertake the duties of the moral or social reformer; it is impolitic, because direct repression could not be tolerated by the mildest people when they learn their rights in this matter. Direct control of any sort would be outside the scope of Government's duty. A Government which takes upon itself to interfere with the people in the choice of excisable articles for their use exercises a sort of censorship over the taste of the people which would place a discount on its claims to be a civilised Government.

"The imposition of an excise duty is a kind of indirect control which has the sanction of the whole world. It is a check on excessive and consequently injurious indulgence in intoxicating substances. The duty and consequently the Excise revenue must rise with the growth of the habit. These are, Sir, the fundamental principles which ought to regulate Excise administration.

Long before the Bengal Government formulated any scheme for the control of consumption of *ganja* and *bhang* in Orissa, the people had been accustomed to the use of Garjat *ganja* and *bhang*. *Ganja* was never cultivated in the Garjats, and yet it was and is even now found in large quantities. The Garjat *ganja* differs even in appearance from the Rajshahi cultivated article. No special training of the eye is necessary to distinguish the two articles. The Garjat *ganja* possesses a lower intoxicating strength, and is said to possess certain medicinal properties. This makes it a favourite luxury with those who make a drink of it in combination with a few other aromatic drugs having medicinal properties.

"The unanimous testimony of those who habitually use it as a drink points to its superior medicinal properties. I cannot lend the support of my personal experience to this testimony, but none of the Hon'ble Members representing the interests of Excise administration in this Council can oppose it by the weight of his personal experience.

"Regarding drink which is known as *bhang*, the Hemp Commission say:—

> There would seem to be a general use of *bhang* in moderation as a stimulant and digestive by the middle classes, especially in advancing years. Some of the most intelligent and enterprising classes of the community are among those who thus use *bhang*.

"The Garjats being outside British India, the Excise Department found it difficult to raise the estimated revenue from the consumption of Rajshahi *ganja* without stopping the illicit consumption of the Garjat *ganja*. To this end various schemes were tried, but each failed. At last the system now in existence was introduced. Under the existing system, the Government supplies Rajshahi *ganja* at cost price and free of duty to the Tributary States. The States levy the duty, and this goes to increase their revenue. In return for this, the Chiefs undertake to prohibit the growth of *ganja* in their States. Any one who has travelled through the Garjats and observed how the little villages lie scattered miles away from each other, with intervening thick jungles which are the haunts of tigers and wild elephants, and who has also examined

the numerical strength and pay of the officers set apart for excise work in these States, must have been convinced that in the case of the small States at least no seriousness was attached to the undertaking.

"If it were possible for the Hon'ble Mr. Geake to hear all the admissions I have heard from persons who are habitual consumers of the Garjat *ganja* in the form of a drink, I have no doubt he would have pleaded with all the weight of official authority for the abolition of the existing arrangement. The middle and the rich classes, especially among the residents of Puri who use Garjat *ganja* as a drink, pay fabulous prices for the smuggled article.

"What then is the result of the existing arrangement? The consumer pays an exorbitantly high price. This is a premium on smuggling. When high price is the indirect result of heavy Excise duty it adds to the revenue which is spent for the benefit of the public. In the present case the high price fills the pocket of a clever smuggler.

"The partiality of the consumer to this particular drug, added to his readiness to pay exorbitantly high prices, exposes the subordinate officers of the Excise and other departments to temptation. But the worst result of the system is the successful evasion of the penalties of law during a long period. I consider it the worst result, for a systematic evasion of law engenders a disregard for law which it should be the duty of every Government to avoid, and yet a system of Excise administration which is formulated without any regard to the taste and habits of the people and which aims to force them to take to an excisable article which they are not accustomed to and which by experience they have found injurious to health—such a system of Excise administration is bound to prove a failure.

"The existing arrangement was introduced, because it had successfully stopped the cultivation of *ganja* in Cooch Behar. The similarity between Cooch Behar and the Tributary States of Orissa does not go beyond their political status as Tributary States. No one stopped to inquire whether the States in Orissa were similar to Cooch Behar in the extent of their jungles and the strength of the official staff available for controlling illicit growth and import. "No one stopped to inquire whether in the neighbourhood of Cooch Behar there were a class of people who considered the hemp grown in that State as having special medicinal properties and who were prepared to have it at any price.

"Is the Government justified in forcing upon the people an intoxicating drug which they do not like and which their experience pronounces injurious when used as a drink? Should not the people be left free to choose what they like?

"What would be the verdict of the civilised world about an Excise administration which prohibited the import of an article which the people liked, in order that by such prohibition Government might force the people to take to another article from which it expected a higher revenue?

"The Chinaman is partial to Indian opium. What would be the verdict of the civilised world if the Chinese Government were to prohibit the import of Indian opium with a view to force the people to take a Chinese produce in order that it might raise a better revenue?

"In this case the grounds for justification on the score of gain in revenue do not exist, for what the Government gains on the supposed efficacy of the arrangement with the Garjat States is more than covered by the loss of duty on the Rajshahi *ganja* supplied free of duty to them.

"The Hemp Commission gave their verdict against total prohibition because they considered it a violent measure. That Commission in their Report said, "The object should be to prevent the consumers, as far as may be possible, from doing harm to themselves and to lessen the inducements to the formation of the habit which might lead to such harm. In aiming at this object however, other considerations need to be kept in view. There is in the first

place the question of illicit consumption. If the restriction imposed by Government is counterbalanced by a corresponding increase in smuggling, no advantage is gained, but on the contrary a moral wrong is done to the community, apart from the annoyance necessitated by such restriction."

"The people are anxious that the import of Garjat *bhang* should be legalised and arrangements made for the sale by licensed vendors of the article. Respectable people do not like continuous danger of prosecution which their partiality to an illicit article exposes them to. I am aware that this proposal will meet with a formidable array of objections under the name of practical difficulties in the way of controlling the import of Garjat *ganja*. But no argument ought in these days to be considered sufficient to support a coercive policy of the nature now in existence.

"The Excise Department believe that the present arrangement with the Garjat States has successfully weeded out the *ganja* plant from these States. If this belief is well founded, there ought not to be any difficulty. The Government might continue the existing arrangement with the States, with the exception of one or two States more favourably situated, for the import of *ganja* into British Orissa, and all that need be done is to arrange for the collection and import of the article from these one or two States.

"If, on the other hand, the Excise Department does not believe that the present arrangement has stopped the production of *ganja* in the Garjats, the system having proved a failure should be abandoned.

"In the present state of things the Government has to get a supply of *ganja* from the Eastern Bengal and Assam Government. A similar arrangement will have to be made with one or two of the Tributary States.

"I beg to draw Your Honour's attention to another serious difficulty. When the present Bill is passed into law Government ought under clause 26 [*now* 27],* sub-clause (*b*), to impose a duty on the Rajshahi *ganja* now supplied duty free to the Tributary States. That will disturb the existing arrangement.

"During the short period of Your Honour's rule, Your Honour has won the confidence of the people by lending a sympathetic ear to their just and legitimate wishes. In the light of this fact I do sincerely hope that the wishes of the people will receive due consideration at Your Honour's hands in exercising the powers under clause 10 [*now* 9]."

The Hon'ble MR. MACPHERSON said:—"I do not understand that the Hon'ble Member asks the Council to take any action in connection with his remarks. They will receive due consideration in the Excise Department."

The Hon'ble THE PRESIDENT said:—"That is all that the Hon'ble Member desires. Nothing here is possible, because there is no amendment before the Council.

"The Council will now proceed with the clauses of the Bill, and I call on the Hon'ble Babu Radha Charan Pal to deal with amendments 52 and 53."

Clause 26 [*now* 27].

52. The Hon'ble Babu Radha Charan Pal, by leave of the President, withdrew the following motion of which he had given notice, namely:—

that sub-clause (*1a*) of clause 26 [*now* sub-clause (*2*) of clause 27] of the Bill be omitted.

Clauses 26 [*now* 27] *and 27* [*now* 28].

The following motions were discussed together, namely:—

53. The Hon'ble Babu Radha Charan Pal to move that, after sub-clause (*1a*) [*now* (*2*)] of clause 26 [*now* 27] of the Bill, the following be inserted, namely:—

Provided that no such duty shall be imposed on—

(*i*) *tari* intended to be used in the manufacture of *gur* or molasses, or

* The clauses and sub-clauses of the Bill having been re-numbered under the direction of the Council, the present number of each clause and sub-clause is inserted in brackets, wherever the new numbering differs from the old

[*Babu Radha Charan Pal; Mr. Macpherson; The President.*]

(ii) *tari* intended to be used in the manufacture of bread by a person holding a permit to use *tari* for that purpose, or

(iii) *tari*, up to a limit of four seers, when in the possession of the person possessing the tree from which it was drawn and intended to be used for domestic consumption.

57. The Hon'ble Babu Radha Charan Pal to move that sub-clause (*e*) [*now* (*f*)] of clause 27 [*now* 28] of the Bill be omitted.

58. The Hon'ble Babu Radha Charan Pal to move that the following be added at the end of clause 27 [*now* 28] of the Bill, namely :—

Provided also that no tax shall be levied in respect of any tree from which *tari* is drawn—

(*a*) for the manufacture of *gur* or molasses, or

(*b*) for the manufacture of bread by a person holding a permit to use *tari* for that purpose, or

(*c*) for domestic consumption, up to a limit of four seers, by the person in possession of the tree.

He said:—"Your Honour,—Under clause 14 [*now* 13], *tari* for the manufacture of *gur* or molasses or for domestic consumption is exempted from license, but under the next clause 14A [*now* 14], no *tari* can be drawn in any specified local area without a license. That being so, a person using *tari* for the manufacture of *gur* or for domestic consumption within any specified local area shall be bound to take license. Now sub-clause (*1a*) [*now* (*2*)] of clause 26 [*now* 27] provides that duty shall be imposed on any *tari* drawn under any license granted under sub-clause 14A [*now* 14]. This renders *tari* used for domestic consumption or for the manufacture of *gur* liable to duty, which, I believe, is not the intention of the Legislature. I, therefore, hope, that my amendment will be carried."

The Hon'ble MR. MACPHERSON said:—"If, Sir, the Hon'ble Member would continue his argument and take up with your permission his amendment 58 which provides for a similar addition in clause 27 [*now* 28], I should be glad to reply to him on the two matters together, and I may offer acceptance of a concession which, perhaps, he would consider sufficient. The words which the Hon'ble Member uses in the first two paragraphs of his proposed amendment of clause 26 [*now* 27] are '*tari* intended to be used.' In amendment of clause 27 (*now* 28) the Hon'ble Member would use the words 'no tax shall be levied in respect of any tree from which *tari* is drawn for the manufacture of *gur* or molasses.' I should think, Sir, that both provisoes cannot be necessary. If the Hon'ble Member would be content with one proviso in one clause, either 26 [*now* 27] or 27 [*now* 28], I could indicate how I would meet his wishes with regard to the levying of duty in respect of trees tapped for the manufacture of *gur* or molasses, and I would explain why that concession cannot be so easily made in the other cases. If the Hon'ble Member would continue his argument with regard to amendment 58, I would then with your permission have some more remarks to make."

The Hon'ble BABU RADHA CHARAN PAL said:—"I would accept the amendment which the Hon'ble Member in charge of the Bill gives me, with reference to clause 27 [*now* 28] of the Bill, 'Provided also that no tax shall be levied in respect of any tree from which *tari* is drawn only for the manufacture of *gur* or molasses, and under such special conditions as the Board may prescribe.' There is one point I wish to draw the attention of the Hon'ble Member and the Council to, and that is that I have moved for permission that clause (*e*) [*now* (*f*)] of clause 27 [*now* 28] of the Bill be omitted, that is to say, the tree-tax, and I do not know if I shall be in order to take it up now.'

The Hon'ble MR. MACPHERSON said:—"I assumed, Sir, that 57 would necessarily go with 52, which the Hon'ble Member has withdrawn."

The Hon'ble THE PRESIDENT said:—"I am not sure whether it would necessarily do so. It will be convenient if the Hon'ble Member would consider 57, 58 and his present amendment together. Perhaps that would be possible."

[*Babu Radha Charan Pal; The President; Mr. Macpherson.*]

The Hon'ble BABU RADHA CHARAN PAL said:—"I respectfully follow Your Honour's directions, but I do not quite understand, Sir, that the withdrawal of my motion with regard to the omission of clause (*1a*) [*now* (*2*)] of clause 26 (*now* 27) has any connection with sub-clause (*e*) of clause 27."

The Hon'ble THE PRESIDENT said:—"It does not necessarily follow I agree."

The Hon'ble BABU RADHA CHARAN PAL said:—"If that is so, Sir, I beg leave to withdraw my motion No. 53. I would move, Sir, with Your Honour's permission, that sub-clause (*e*) [*now* (*f*)] of clause 27 [*now* 28] of the Bill be omitted, and in doing so, I beg to observe, that the clause has not been well accepted by the public. Tree-tax was once tried in Bengal and was abandoned. There may arise great difficulty in controlling the tapping of tax-free and tax-paying trees side by side. Tree-tax will no doubt increase the revenue of Government, but it will increase the price of *tari* and thus drive people to the drinking of country liquor which is far more injurious than *tari*. The rise in the price of *tari* may also affect the *gur* industry. The system in the hands of the ill-paid underlings of the Excise Department will be productive of much harassment, and is likely to create unnecessary dissatisfaction among the people. On these grounds I ask for the acceptance of the amendment I have moved. If this is not accepted, then, Sir, I shall move the next.

The Hon'ble MR. MACPHERSON said:—"I would submit, Sir, that 27 (*e*) [*now* 28 (*f*)] cannot be omitted without stultifying 14A *now* 14) and 26 (*1a*) [*now* 27 (*2*)]. The Hon'ble Member had an amendment for omitting (*1a*) [*now* (*2*)] which he has withdrawn. It is not contemplated to impose a duty as distinct from a license fee, except by a tree-tax. It will be remembered that our object is not to raise revenue, but to check drunkenness and give better control in this matter. There is every intention, I may say, Sir, of exempting the sugar industry, should 14A (*now* 14) be extended, which is not now contemplated, to a sugar-producing district, and the Council may confidently rely on arrangements being made to give the necessary exemption under 14A (3) [*now* 14 (*3*)] of the Bill. I would oppose the amendment to omit 27 (*e*) [*now* 28 (*f*)]."

The Hon'ble BABU RADHA CHARAN PAL said:—"I do not know, Sir, whether any duty is now imposed on unfermented *tari*. In the Excise Report I find that a revenue amounting to over 11 lacs is derived from *tari*, both fermented and unfermented."

The Hon'ble MR MACPHERSON said:—"No duties, Sir; only license fees."

The Hon'ble THE PRESIDENT said:—"I understand that the amendment before the Council is No. 57, which is that sub-clause (*e*) of clause 27 [now 28(*f*)] of the Bill should be omitted, that is, the clause in which the tree-tax is rendered permissible in Bengal. I should like to state, in addition to what the Hon'ble Member in charge of the Bill has said, that I happen to hold, and have long held, somewhat decided views on the tree-tax system. I am not personally in favour of it. This question happened to come up when I was Financial Secretary to the Bengal Government, and I opposed it as strongly as I could at that time. It was dropped, and the reason was that it involves the inspection of every *tari*-producing tree—not only those which are allowed to be tapped, and which are marked for that purpose, but also those which are not marked, in order to see that they are not being tapped; and as these trees exist by hundreds of thousands, and some of them, many of them, are within private compounds, it would involve the appointment of a whole army of underlings. I believe it would open the door to a great deal of trouble. These are the grounds on which I opposed it ten years ago, and successfully. But since then there has been the Report of the Excise Committee of 1905-07, and that Committee included some of the best Excise Officers that India has ever seen, including, I may mention, Mr. K. G. Gupta, who was Excise Commissioner for many years in Bengal, and who knew the Department thoroughly, and he urged the

[*The President; Babu Radha Charan Pal; Mr. Macpherson; Rai Kishori Lal Goswami.*

measure strongly. He believes that it can be worked without causing oppression, and will tend to check what he styles 'the undue consumption of *tari*, which is by no means so as innocuous a drink as is sometimes represented. On these grounds, in view of the strong recommendation of this capable Committee, I felt, when the matter came before me in the Government of India, that it was impossible to resist the introduction of the permissive system in Bengal, and for that reason it was accepted by the Government of India. Gentlemen, my apprehensions are not wholly removed. It is my intention to move with the greatest caution in the extension of this system to any part of Bengal. The intention is that we shall only extend it, in the beginning at all events, to one district. We shall employ a considerable staff on the working of it, and the result will be watched with the utmost care, but I do not think that, in view of the strong recommendation of the Committee, it is possible for me to resist the proposal.

The Hon'ble the PRESIDENT said:—"We can take the amendments 53 to 58. Do you wish to make any further remarks?"

The Hon'ble BABU RADHA CHARAN PAL said:—"I have already said what I have to say on that provision. Sir, I understand from the Hon'ble Member that he will accept this amendment in clause 27 (*now* 28) of the Bill."

The Hon'ble MR. MACPHERSON said:—"Will you permit me, Sir, to have a moment's discussion with the Hon'ble Member?"

The Hon'ble THE PRESIDENT said:—"Certainly."

After a short interval, the Hon'ble BABU RADHA CHARAN PAL said:—"With Your Honour's permission I would move the following amended provision, namely:—'Provided also that no tax shall be levied in respect of any tree from which *tari* is drawn only for the manufacture of *gur* or molasses and under such special conditions as the Board may prescribe'. Sir, in consultation with the Hon'ble Member in charge of the Bill, I submit this amendment for acceptance. Although I accept this amendment, it would have been more satisfactory if the Hon'ble Member could see his way to include in the exception, domestic consumption up to a limit of four seers. However, Sir, I do not wish to press my motion at this stage. I must be content with what I have got."

The Hon'ble MR. MACPHERSON said:—"The Hon'ble Member has motions both with regard to clause 26 (*now* 27) and with regard to clause 27 (*now* 28). The motion which the Hon'ble Member has just proposed is in connection with clause 27 (*now* 28)."

The Hon'ble BABU RADHA CHARAN PAL said:—"I have withdrawn the amendment with regard to clause 26 (*now* 27), as I understand that the amendment which I have just moved will serve the same object which I have in view.

Motion No. 58 was then put in the amended form and agreed to.

Motion No. 57 was then put and lost

The Hon'ble THE PRESIDENT said:—"The next three amendments—54, 55, and 56—cover similar ground. If the Hon'ble Rai Kishori Lal Goswami and the Hon'ble Radha Charan Pal agree, they can be discussed together."

The following motions were discussed together, namely:—

54. The Hon'ble Rai Kishori Lal Goswami, Bahadur, to move that, after the figures "1878", in sub-clause (*i* of clause 26 (*now* 27) of the Bill, the words "or on denatured spirit manufactured in India" be inserted.

55. If the last foregoing amendment be carried, also to move that the words "or denatured spirit manufactured in India" and the words "or denatured spirit, as the case may be," in sub-clause (*ii*) of clause 26 (*now* 27) of the Bill, be omitted.

[*Babu Radha Charan Pal; Rai Kishori Lal Goswami Bahadur.*]

56. The Hon'ble Babu Radha Charan Pal to move that, in sub-clause (*ii*) of clause 26 [*now* 27] of the Bill, the words " or denatured spirit " and the words " or denatured spirit, as the case may be," be omitted.

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, said:—"Sir, denatured spirit, like the sweet *tari*, is neither an intoxicating drink nor an intoxicating drug, but it differs essentially from the sweet *tari* in that it is only by a very difficult chemical process that it can be transformed into a human intoxicant. The present law which deals with denatured spirit is rather an ancient relic of an Act of the India Council which was passed so far back as 1863. The provisions of that law with some modifications and additions have been incorporated into the present Bill. So far as the conversion of denatured spirit into a human intoxicant is concerned, I quite agree that it should come within the control of the Excise Department. The varied uses of industrial alcohol have been described in the very valuable review of 'The Industrial Position and Prospects in Bengal in 1908' by the Hon'ble Mr. Cumming, and with Your Honour's permission I shall read one paragraph:—

The great difficulty with which the chemical industry has to contend is in connection with industrial alcohol. It is occasionally mentioned in the press that the manufacture of crude alcohol for industrial purposes under proper Government regulations would be a fine *swadeshi* industry. Alcohol is required: (*a*) for chemical transformation, as in the manufacture of iodoform; (*b*) as a solvent or precipitant, as in the case of papain; (*c*) for burning; and (*d*) for the finished product as in the case of liquid extracts, tinctures, essences and liniments. Section V of the Board's Rules in the Excise Manual is prepared on the assumption that spirit prepared after the English fashion is for direct human consumption. Section IX deals with the making of spirit unfit for human consumption by the admixture either of caoutchine or of naphtha. Messrs. D. Waldie & Co. have a private distillery at Konnagar. The Bengal Chemical and Pharmaceutical Company at Maniktola purchase imported spirits 68° over proof at Re. 1-10 per gallon, which becomes Rs. 13-4 after duty has been paid: so the duty is nearly eight times the prime cost. This spirit is used in preparing tinctures, extracts and ether. At present the Government is willing to allow the spirit to be manufactured or stored in a bonded warehouse: full duty to be paid when it is removed to the factory, and refund to be granted of the duty of the amount lost in course of manufacture, after keeping only 5 per cent. *ad valorem* duty. The Bengal Chemical and Pharmaceutical Company ask that they be allowed to manufacture in a bonded factory under supervision of excise officers, and to pay after manufacture the full duty on the spirit contained in the preparation and 5 per cent. *ad valorem* on the amount of spirit lost. If it is the fact, as is asserted, that this concession is allowed to manufacturers in Europe, it is for consideration whether it may be allowed here. Government does not gain interest on the excess temporarily handled, whereas the private company feels the loss of the capital locked up in duty. From my inquiries in the Excise Department, I learn, however, that the request of the firm goes beyond what is allowed in Europe.

I think that special concessions are required for the use of industrial alcohol in the lac trade. This will be mentioned later.

"It seems to appear, Sir, then, that this denatured spirit may play a very important part in furthering the industrial developments of this country. Under the Tariff Act a duty of 5 *per cent.* is levied in respect of imported denatured spirit, and in the present Bill the same limitation has been repeated, obviously keeping in view the provisions of the Indian Tariff Act. I do not think, Sir, that it is any part of the policy of Government to impose a counterveiling duty on every article that is manufactured or made here in this country, the like of which are also imported from foreign countries and which are liable to the imposition of tariff or customs duty. I therefore respectfully ask Your Honour and the Hon'ble Members of this Council to consider whether it is justifiable for the Legislature to introduce what is essentially a tariff question into an Act which professes to deal with intoxicating liquors and intoxicating drugs. Industrially backwards as Bengal is, and as no serious attempt has been made to manufacture denatured spirit here in considerable quantities, so as to give rise to the question of protection, it behoves the Government to render denatured spirit absolutely duty-free. It would be ridiculous to apply the analogy of the Indian excise duty on cotton to denatured spirit, and I am not going to rake up the old controversy based on protectionisms, which clouded the atmosphere at a certain past time. But, Sir, I enter my respectful protest against the introduction of a measure which will enable Government to levy a duty on what is merely by a perversion of language called an excisable article

[*Babu Radha Charan Pal; Babu Deba Prasad Sarbadhikari; Mr. Macpherson.*]

within the meaning of the Excise Act. I am glad to see that my hon'ble friend, Babu Radha Charan Pal, who is intimately connected with the Bengal National Chamber of Commerce (they were the persons who first sounded the note of protest) has brought forward a motion on similar lines, and I am sure that he will bring his experience of the working of that Association to bear upon this question, and will be able to throw more light on it than I have been able to do. These are the observations, Sir, which I have to make in connection with this."

The Hon'ble BABU RADHA CHARAN PAL said:—"I beg to support, Sir, the motion of my friend, the Hon'ble Rai Kishori Lal Goswami, Bahadur. In fact in the Select Committee both my hon'ble friend and myself objected to the inclusion of denatured spirit in clause 26 [*now* 27]. In this matter, the National Chamber of Commerce, with which I am associated, are at one with us.

If a duty is levied on denatured spirit manufactured in this country, it will hamper the rising industries of this country. The growth of indigenous industries depends largely on the support of the Government, and Government has always been willing to give this support. The quotation that was read from Mr. Cumming's report and the contention of the National Chamber of Commerce go to show that denatured spirit manufactured in India should be duty-free. I have nothing further to add to the observations that have fallen from my hon'ble friend, but would earnestly hope that this amendment may be accepted by Your Honour's Government."

The Hon'ble BABU DEBA PRASAD SARBADHIKARI said:—"In supporting this motion, Sir, I have only one word to add, that is, to draw the attention of the Council to clause 52A [*now* 48] of the Bill, which provides for very drastic penalties in cases of attempts to render fit for human consumption any spirit, whether manufactured in India or not, that has been denatured. This clause shows, Sir, that we are all alive to the fact that, except with great difficulty and considerable trouble and under the circumstances at prohibitive and unnecessary expenses, denatured spirit could hardly be brought within the category of spirits fit for human consumption. There can therefore be no apprehension as to loss of revenue and I submit that, in the interest of industrial development, the exemption now asked for should be granted.

The Hon'ble MR. MACPHERSON said:—"As remarked by the first speaker, Sir, the Hon'ble Rai Kishori Lal Goswami, Bahadur, the law which regulates payment of denatured spirit required for use in manufactures is contained in a very old Act—the Act of 1863—which was amended by an Act of 1894. It declares that spirits intended to be used exclusively in arts and manufactures or in chemistry may be removed from any licensed distillery on payment of duty not exceeding *5 per cent.* of the value of the spirit, provided that no spirit shall be removed until it has been rendered effectively and permanently unfit for human consumption. That *5 per cent.* duty corresponds to the 5 per cent. *ad valorem* duty which is levied under the 'Tariff Act' on all imported denatured spirit; and under the Bill as it stands the position will remain exactly the same as under the existing law, unless the Local Government, with the approval of the Governor General in Council, see fit to impose a different tax, or not to take duty at all. The Indian Excise Committee recommended that assistance should be given to the development of an industry for producing denatured spirit, and so to other industries, such as the lac industry by removal of the duty, but the Government of India found two years ago that there was no pressing necessity for exemption of denatured spirit from the *5 per cent. ad valorem* duty. If gentlemen interested in the use of spirit for industrial purposes can show that the 5 *per cent. ad valorem* duty on production of denatured spirit in this country is an excessive duty, I can promise that the Board of Revenue would give careful consideration to a representation in favour of reduction of such a duty, or of exemption. As the speaker has mentioned, the Hon'ble Mr. Cumming has drawn attention to this matter in his 'Review of the Industrial Position of Bengal.' If it be shown how exactly a tax of *5 per cent.* on the value of denatured spirit made in a distillery in this country would

press upon the industry, that proper safeguards would be provided, and that the 5 *per cent.* would more than cover the cost of the necessary preventive establishments, I should be glad to co-operate with the Hon'ble Mr. Cumming in framing proposals for the consideration of the Government. It will be understood that the use of spirit which has been denatured in such industries as the lac industry is quite another matter from the use of spirit which has not been denatured, *e.g.*, for making perfumes or essences and which might still be drunk. With this explanation, Sir, I would ask that the amendment may not be pressed."

The Hon'ble THE PRESIDENT said:—"Number 55 is not moved. No. 56 is not absolutely identical with No. 55, but it has the same effect; so the Hon'ble Member may not wish to press it."

The Hon'ble BABU RADHA CHARAN PAL replied that he would not do so.

Motion No. 54 was then put and lost.

The said motion having been lost, motions Nos. 55 and 56 were not put.

Clauses 34 [now 30] and 80 [now 86].

59. The Hon'ble Mr. Macpherson moved that, in clause 34 [*now* 30] of the Bill, for the words and figures "in the form prescribed by rule made under section 80, clause (*8*)," the words "in a form prescribed by the Board" be substituted.

The Hon'ble Mr. Macpherson also moved that sub-clause (*8*) of clause *80* [*now* 86] of the Bill be omitted.

He said:—"In the Select Committee we thought it desirable to add the words 'in a form prescribed by rules made under section 80,' in order to provide for due information being given to the public in an intelligent form, especially with reference to the sites of shops for licenses. At the same time we added a sub-clause (*8*) to clause 80 [*now* 86], empowering the Board to prescribe forms. The effect of this condition was not seen at the time. Read with clause 82 [*now* 88], it might be held to require the Board to publish in the Gazette all its forms connected with Excise administration, registers and the like. This would be quite unnecessary. The purpose in view of the Select Committee can be attained in a simpler way by inserting the words 'in a form prescribed by the Board' in clause 34 [*now* 30], and I would ask therefore, Sir, that this amendment and amendment 97, which also stands in my name, should be taken together. I would move first amendment 59, and then if you permit, Sir, amendment 97. The two stand together."

The motions were put and agreed to.

Clauses 35 to 39 [now 31 to 35].

The Hon'ble THE PRESIDENT said:—"Numbers 60, 61 and 63 in the name of the Hon'ble Mr. Macpherson, and No. 68 in the name of the Hon'ble Babu Deba Prasad Sarbadhikari, all relate to the same subject, and, with the permission of the Hon'ble Members, they will be discussed together."

The following motions were discussed together, namely:—

60. The Hon'ble Mr. Macpherson to move that sub-clause (*c*) of clause 35 [*now* 31] of the Bill be omitted.

61. The Hon'ble Mr. Macpherson also to move that sub-clause (*4*) of clause 37 [*now* 33] of the Bill be omitted.

62. The Hon'ble Mr. Macpherson also to move that, in sub-clause (*b*) of clause 39 [*now 35*] of the Bill, after the words "the Chairman of the Corporation of Calcutta" the word "or" be inserted.

63. The Hon'ble Mr. Macpherson also to move that the words "or the Commissioner of Police, Calcutta," in sub-clause (*b*) of clause 39 [*now* 35] of the Bill, be omitted.

[*Babu Deba Prasad Sarbadhikari; Mr. Macpherson; The President.*]

68. The Hon'ble Babu Deba Prasad Sarbadhikari to move that the words "or the Commissioner of Police, Calcutta," in sub-clause (*b*) of clause *39* [*now* 35] of the Bill, be omitted.

The Hon'ble MR. MACPHERSON said:—"These amendments would have the effect of omitting mention of the Commissioner of Police for Calcutta in clauses 35, 37 and 39 [*now* 31, 33 and 35]. This matter came under recent discussion in connection with the Calcutta Police Bill which is now before the Council. It will be remembered that the Acts which regulate Police administration in Calcutta and the suburbs provide that before any license for the sale of spirituous liquors or intoxicating drugs can be given in the Calcutta district the applicant for a license must produce a certificate from the Commissioner of Police, stating that a license can be given without risk or detriment to the preservation of peace and good order. The Commissioner of Police exercises the power of refusing or withholding the certificate under the control of the Local Government. The Select Committee on the Police Bill have proposed, as I understand, that the Police Acts be slightly amended in this respect. Now, as the Police Acts fully provide for the concurrence of the Commissioner of Police, and as he must necessarily get the licensing lists in order that he may perform his functions under the Police Act, it seems unnecessary to make any provision in this Bill on the subject. Care will of course be taken to issue executive instructions to secure that the Commissioner of Police shall be fully informed and consulted."

The Hon'ble BABU DEBA PRASAD SARBADHIKARI said:—"These amendments standing in my name lower down in the list, are in the alternative and for present purposes I fully accept the amendment of the Hon'ble Member in charge of the Bill. I am glad to be able to do so, Sir, because so far as Calcutta at all events is concerned, we have the recognition of the principle for which we are struggling, that with reference to license matters, the sole control should not be in the hands of the Revenue authorities and some authority other than they should have a reasonable share in them. That is an important concession and whatever the circumstances may be that have brought about the acceptance of that principle on the part of the Hon'ble Members, it is a matter in which we fully rejoice so far, for a second and associate authority is provided for Calcutta, namely the Police Commissioner. If we view the matter aright the Police Commissioner under the Police Act will be practically the sole authority, for without his certificate and consent no license can be granted in the Calcutta district. And now that he is to be omitted from the list of officials whose disputes are to go up before the Board for final decision his position is ever so much stronger. The principle now indirectly accepted is bound to be expanded and I shall move for such expansion later on. In the meantime it struck me in connection with clauses 38 [*now* 34] and 39 [*now* 35], as to whether it would not be necessary to provide some words to the effect that in case of any difference of opinion between the Commissioner of Police and the Excise Commissioner the objection of the Commissioner of Police shall be conclusive. Having regard to what the Hon'ble Member in charge of the Bill has said regarding the provisions of the Police Bill, which is now before the Select Committee, probably the addition of words to that effect may not be necessary, and it may look invidious to place the Commissioner of Police in a position different from that of other consulting officials in the district. It is more a matter for the consideration of the draftsman, the only reason I mentioned it was whether this absence would not make the present Act less self-contained. But I gladly accept the amendment at this stage, which, I hope, Sir, will not debar my moving the other and really more important amendments in this connection standing in my name."

Motions 60 to 63 were put and agreed to. Motion 68 being identical with motion 63, was not put.

Clause 37 (now 33).

The Hon'ble THE PRESIDENT said:—"Nos. 64 and 66, standing in the name of the Hon'ble Babu Deba Prasad Sarbadhikari, may, with the consent of the Hon'ble Member, be discussed together."

[*Babu Deba Prasad Sarbadhikari; Mr. Macpherson.*]

The following motions were discussed together, namely:—

64. The Hon'ble Babu Deba Prasad Sarbadhikari to move that the following be inserted after sub-clause (*a*) of clause 37 [*now* 33] of the Bill, namely:—

(*aa*) any Association or public body connected with rate-payers residing in the ward (if any) to which such proposal relates.

66. The Hon'ble Babu Deba Prasad Sarbadhikari also to move that the words "or Associations or public bodies" be inserted after the word "rate-payers" in sub-clause (*i*) of clause 37 [*now* 33] of the Bill.

He said:—"The reason that I move this amendment, Sir, is that the power proposed to be given by the section should not be limited only to individuals but be extended to bodies of individuals when they come together for a common purpose. Limitation of right of protest to individuals is obviously objectionable, and apart from Temperance associations not on the spot whose interference may not be welcomed, other public bodies may have much to say with reference to licensing in localities with which we are concerned. I am prepared to concede, Sir, that the wording of my amendment is a little wide, and it would be possible for associations whether connected with the localities concerned, or not, to put in a protest If, the word 'persons' had in some shape been used in sub-clause (*a*) of clause 37 [*now* 33], possibly my amendment would not be necessary, and if it is now accepted I should be prepared to limit the scope of my amendment, because under the General Clauses Act, 1897 'a person' would include any company or association or body of individuals, whether incorporate or not, and if sub-clause (*a*) ran somewhat like this, namely:—'persons paying municipal rates residing in any municipality', it would to a certain extent fulfil the object of my amendment, and it would also meet the possible objection that it is undesirable to give associations all and sundry, having direct or remote interest in localities, the power of making these representations. I do not know whether the Hon'ble Member would like to consider this suggestion, but if he sees his way to do so, I shall myself be prepared to give up my amendment of sub-clause (*a*), for such alteration would to a certain extent, meet the objects of my amendment."

The Hon'ble MR. MACPHERSON said:—"I had expected, Sir, that the Hon'ble Member would accept a modification of his amendments in a form of words which, as he pointed out, under the provisions of the General Clauses Act, would provide for all that he wishes to do in the way of making admissible representations by resident associations or public bodies. The form of words which was suggested to the Hon'ble Member provided for the substitution of the words 'persons having municipal rights' in sub-clause (*a*) of clause 37 [*now* 33], with reference to amendment 64. The word 'persons,' as the Hon'ble Member said, would include a public association or a public body. If the public body pays municipal rates, then it would have the right of objection, a statutory right. Similarly, in sub-clause (*i*) of clause 37 [*now* 33], for the word 'Rate-payers', the words 'persons paying municipal rates' should be substituted. If I rightly understand that the Hon'ble Member would accept these small modifications of his amendment, which in fact provide for the principle for which he contends, I would accept them.

The Hon'ble MR. MACPHERSON suggested, by way of amendment, that the motions should take the following form, namely:—

64. That, in sub-clause (*a*) of clause 37 [*now* 33] for the words "municipal rate-payers" the words "persons paying municipal rates and" shall be substituted.

66. That the words "persons paying municipal rates" be substituted for the word "rate-payers" in sub-clause (*i*) of clause 37 [*now* 33] of the Bill.

The Hon'ble BABU DEBA PRASAD SARBADHIKARI said:—"This is what I suggested, Sir."

The motions were put in the amended form and agreed to.

[*Babu Deba Prasad Sarbadhikari; Mr. Macpherson; The President; Babu Radha Charan Pal.*]

The Hon'ble Babu Deba Prasad Sarbadhikari also moved that the words "within a radius of a quarter of a mile from" be substituted for the words "in the vicinity of," in lines 2 and 3 of sub-clause (*b*) of clause 37 [*now* 33] of the Bill.

He said:—"That will make sub clause (*b*) as follows: 'in the case of shops not situated in any municipality, persons owning or occupying land, or residing in the vicinity thereof' that is, within a radius of a quarter of a mile. The insertion of these words will make it possible to have some definite idea as to what distance will be allowed, and I think some limitation is desirable in order to have a clear idea of the clause. There have been legal difficulties for want of such a limitation and my suggestion is no way unreasonable, and I hope the amended amendment will be acceptable to the Hon'ble Member in charge and to the Council, for I did not mean to ask for the limitation of a mile as appearing in the printed paper, which would certainly be unreasonable.

The Hon'ble MR. MACPHERSON said:—"I would not accept the amendment, Sir. A limit of 'a quarter of a mile' might be too little or might be too much."

The motion was then put and lost.

Clause 39 [now 35] and new clauses.

The Hon'ble THE PRESIDENT said:—"We now come to a very important group of amendments. Number 67 is the first of a group of amendments which relates to the proposal in connection with Licensing Boards, and thereafter from No. 69 down to No. 72, the amendments all relate to the same subject or to different branches of the same subject. With the consent of the Hon'ble Members, amendments No. 67 and Nos. 69 to 72 inclusive may be discussed together."

The following motions were discussed together, namely:—

67. The Hon'ble Babu Deba Prasad Sarbadhikari to move that for the words "the Board, whose decision shall be final," in the last line of clause 39 [*now* 35] of the Bill, the following be substituted namely:—

> a Licensing Board, consisting of official and non-official members in such proportions as the Local Government may determine, and constituted in such manner and for such areas as the Local Government may, by notification, declare; and the decision of such Board shall be final.

69. The Hon'ble BABU RADHA CHARAN PAL to move that, after clause 41 [*now* 37] of the Bill, the following be inserted, namely:—

41A. (*1*) The Local Government shall appoint, for the granting of licenses under this Act, a Licensing Board for Calcutta, and a Licensing Board for each of such other areas as the Local Government may think fit.

Appointment and functions of Licensing Boards.

(*2*) Such Boards shall consist,—

(*a*) in Calcutta, of the Chairman of the Corporation of Calcutta (who shall be President of the Board), the Commissioner of Police, the Excise Commissioner, and three members of the said Corporation; and

(*b*) in areas other than Calcutta, of the Collector (who shall be President of the Board), the Superintendent of Police or the District Magistrate, as the Local Government may direct, and such number of representatives of Municipalities or other local bodies as the Local Government may direct.

(*3*) Where a Licensing Board has been appointed under this section, the Collector shall send to such Board the objections, opinions and list referred to in section 38* sub-section (*1*), and the functions of the Collector under that section shall be discharged by such Board instead of by the Collector.

* See Clause 34 (*1*).

70. If the last foregoing amendment be not carried, also to move that after clause 41 [*now* 37] of the Bill the following be inserted, namely :—

41A. (*1*) The Local Government shall appoint an Advisory Board for Calcutta and an Advisory Board for each of such other areas as the Local Government may think fit.

Appointment of Advisory Boards.

(*2*) Such Boards shall consist,—

(*a*) in Calcutta, of the Chairman of the Corporation of Calcutta (who shall be President of the Board), a representative of Temperance Associations, and six members of the said Corporation, and

(*b*) in areas other than Calcutta, of such number of representatives of the Municipality or Municipalities concerned as the Local Government may direct.

71. If the last foregoing amendment be carried, also to move that, in sub clause (*1*) of clause 38 [*now* 34] of the Bill, for the words "shall consider the same, and shall, if necessary, revise the said list, and shall decide," the following be substituted, namely :—

shall refer the same to the Advisory Board (if any) for opinion, and shall, in consultation with that Board (if any), revise the said list, so far as it may need revision, and decide.

72. The Hon'ble Babu Deba Prasad Sarbadhikari to move that, after clause 41 [*now* 37] of the Bill, the following be inserted, namely :—

41A. Notwithstanding anything contained in this or any other Act, the Local Government may, with the previous sanction of the Government of India, assign to the Corporation of Calcutta, or to any other Municipality or to any body or Board, such functions and powers as it may think fit in respect to the granting, withholding and withdrawal of licenses for the sale of excisable articles (being functions and powers which, but for such assignment, might lawfully be exercised by any officer of the Government), to be exercised by such Corporation, Municipality, body or Board, within the limits of its jurisdiction, under such conditions and subject to such rules as the Local Government may impose; and the Local Government may at any time withdraw and revoke any functions and powers which it has assigned under this section:

Provided that such functions and powers shall not be assigned as aforesaid without the consent of the Corporation, Municipality, body or Board concerned:

Provided also that no such conditions or rules shall be imposed by the Local Government after such assignment has taken place, except with the consent of the Corporation, Municipality, body or Board concerned.

The Hon'ble BABU DEBA PRASAD SARBADHIKARI said:—"Your Honour has been pleased to observe, and observe rightly that we now come to one of the most important questions involved in the Bill, and I venture to believe, Sir, that the time has come when some recognition of the principles of what are known as local option should be allowed in this country. That licensing matters should not be wholly in the hands of Revenue-officers has, I am glad to be able to say, been already conceded in this Council. In accepting a previous amendment of the Hon'ble Member in charge and myself the Council have, so far as Calcutta is concerned, consented that some authority different from the Revenue authority, namely the Commissioner of Police, will practically be the sole authority to decide as to what shops and sites will be allowed. I wish, Sir, to point out that the object of the present amendment is to follow up matters to their logical sequence and to ask that an authorised and authoritative Committee should deal with the licensing question as a whole and not only from the police point of view, as the Commissioner of Police will naturally do. It has long been recognised in England that licensing functions ought to be in the hands of authorities other than the Revenue Department. The Licensing Justices, the Borough Committees, the County Councils are all representative bodies, representative in the sense that people's interests are fully looked after either by their chosen representatives or other non-official agencies, such as Justices of the Peace, and licensing questions are dealt with on their merits; and not only from the Revenue point of view. In moving this amendment, I ask that we should have some

semblance of such a body to deal with this all important question. I have tried to make the constitution of that Committee as elastic and workable as possible, because I understand that there are difficulties in the situation. We are only making a beginning, and for a time we must be content, and we are prepared to leave the whole question to the discretion of the Government. All that I plead for is that there should be some statutory provision for a mixed Committee. And to begin with, Government should be left to say how such bodies are to be formed and worked. If this amendment is accepted, it may not be possible to have the Committee entirely of officials, but the Committee may consist of officials in such proportion as the Government may determine, and it would be constituted in such a manner and in such order as the Local Government may be pleased to declare. Under safeguards and limitations like this the decision of such a Board may well be allowed to be final. Sir, I ventured to question the expediency of not making such a necessary and harmless provision on the day that the matter was referred to the Select Committee. I do not wish to take up the time of the Council by referring to the considerations I then urged, nor do I wish to refer at length to the *précis* of opinions in which influential bodies and people pleaded for the acceptance of principles like this, in some shape or another. This would be some real measure of self-government, which I think we are clearly entitled to ask for. We ask Your Honour's Government for a much smaller measure of self-government, about to be entrusted to us soon; but if powers like these cannot be safely delegated, the position later will be somewhat inconsistent and incongruous. All that we now ask for is that liberty should be reserved to Government to make such use of the power from time to time as may seem fit, and that there may be statutory powers to do so, instead of it being left to the Government by rules."

The Hon'ble BABU RADHA CHARAN PAL said:—"Your Honour, the question of popular control over licensing of liquor shops has an ancient history. It was very much discussed in the early seventies. The official correspondence on the subject shows that some of the responsible officers of Government recognised the necessity of granting popular control under proper safeguards. Mr. Alonzo Money, the Member of the Board of Revenue, observed in 1874 as follows:—

'I am not myself in favour of an alteration of the present system for granting licenses, but if a change were made, I would rather see it in the direction of local Licensing Boards. The idea was mooted as regards England by Mr. Arthur Arnold in the April number of *The Fortnightly Review*, 1872. Such a Board might consist of Collector, Superintendent of Police, and four or five influential men in the district, especially natives.'

"Then when the Abkari Bill was before the Legislative Council in 1875, an Indian Member took the initiative in the matter and urged in the Select Committee the insertion of a clause in the Bill, making over the duty of licensing liquor shops (at any rate in Calcutta) to Municipal bodies. A good deal of discussion took place, but the Select Committee could not see its way to adopt such a provision. The pressure of public opinion was brought to bear on the Government. The British Indian Association very strongly voiced public opinion on this subject. It was urged that the regulation of traffic in intoxicating drinks and drugs affected seriously the physical, social and moral condition of the people, and that the representatives of the people directly interested in the promotion of temperance in the locality they inhabited, would be better fitted to decide the number and location of shops in their locality than a single person at the head of the Department. His Honour the then Lieutenant-Governor, with that deference to public opinion, which always characterised Sir Richard Temple, consented to the insertion of a clause, which was much more liberal than section 84 of the present Act,* in that it did not require the sanction of the Governor-General in Council to the exercise of the power as in section 84. Thirty-four years have passed away since the power was granted. But it was never exercised because so far as the Corporation of Calcutta is concerned the Local Government did not assign the power to it and, as a consequence of this, the Corporation was not aware of the existence of this clause. I am sure, if it had been aware of its existence, it would never have failed to apply to the Government for permission to exercise this power.

* The Bengal Excise and Licensing Act, 1878 (Ben. Act VII of 1878.)

I submit it is no argument for the repeal of section 84 of the Act* to say that because the Corporation or any other municipality had no opportunity in the past to exercise that power, it should therefore be taken away from it. The repeal of section 84 is, therefore, a retrograde policy, and unless substantial compensation is given to the Corporation and other municipalities in the shape of real control over the number and location of liquor shops and the grant of licenses, the action of the Government will be viewed with dissatisfaction by the public.

"There is a remarkable unanimity of opinion on this subject both amongst Indian and European representative bodies. The Commissioner of the Tirhoot Division, Mr. Greer, strongly urges for a further advance in the matter of local option. Although the Government may not be prepared to grant a complete system of local option, an attempt has been made in the various amendments suggested to render local opinion effective in the important matter of licensing. A mixed Licensing Board of official and non-official members would be some compensation for the repeal of section 84 of the existing Act.* Such a Board can safely be entrusted with the power which the legislature unhesitatingly granted to much larger public bodies in which the non-official element predominated. It would be quite inconsistent with the spirit of the present advanced policy of the Government, and highly disappointing to the public if the amendments are not accepted. The Government have acknowledged the necessity of following local opinion in granting excise licenses, and with that view, they appointed local Advisory Committees in Calcutta and other municipalities for which they are entitled to our grateful thanks. In Calcutta much useful work was done by the hearty co-operation of the Municipal Commissioners with the Excise executive under the presidentship of the Chairman of the Corporation. The work of the Committee has demonstrated that a mixed Licensing Board of representatives of the people and officials could not fail to be successful. I, therefore, hope your Honour be pleased to accept the proposed amendments."

The Hon'ble MR. MACPHERSON said:—"I fear, Sir, that I must oppose all these amendments. I shall be short in what I have to remark because the position of Government has often been stated by higher authority. The position of Government on this matter is that it desires to prevent and punish drunkenness, and to discourage drinking by minimising temptation and by increasing so far as may be reasonable the costs of drink. But Government is not willing to deny drink in moderation to those who have acquired the habit of taking drink. And the Government is not prepared at present to transfer its responsibilities in this matter, or to allow the question of drink, or no drink, to be decided by any authority except its own officers. It is very undesirable that the exercise of this power of licensing should fall into the hands of a small number of persons, who because they do not want to drink themselves may think that no one else should be allowed to drink. In the fullness of time, Calcutta and the districts of Bengal may have Licensing Boards. But in the opinion of Government the time has not yet come to provide for the constitution of such authorities in an Act of the Legislature. It is not admitted that the question of liberty in this respect should be decided by the classes who would be represented on Licensing Boards, or that the matter is one in which even a small minority should be coerced by a majority. With regard to Advisory Committees, the Council knows that an Advisory Committee was appointed in Calcutta two years ago to advise as to the grant of foreign and country spirit licenses; and before the last settlements in the districts, under Your Honour's orders, Advisory Committees were appointed in all towns with a population of twenty thousand and over to advise on the licensing of liquor shops. I have no doubt that such Advisory Committees will become a permanent feature of the licensing system; and the procedure for the appointment of Advisory Committees has already been incorporated in the Board's Rules. But Government is not yet prepared to make a statutory provision requiring that such Advisory Committees must in every

* The Bengal Excise and Licensing Act, 1878 (Ben. Act VII of 1878).

case be constituted; and a majority of the Select Committee did not consider it advisable to go beyond the provisions of sub-clause (*a*) of clause 79 [*now* 85 (*a*)] of the Bill, which gives full power to the Local Government to regulate the procedure to be followed before any licenses for any excisable article is granted for any locality. When I introduced this Bill in January last, I gave reasons why the Bill does not reproduce section 84 of the existing Act,* which has never been put in force. And I have to-day briefly stated the reasons why Government will not at present delegate its authority in this matter, except to its own officers. With regard to Municipal authorities, it may be said briefly that they have not been constituted to exercise control over Excise administration, and they can hardly be said to represent the classes affected by the Excise laws. Mr. Badshah, a late Commissioner of Excise in Bengal, wrote on this subject that it would be invidious to impose duties of this kind on municipal bodies, because their acquiescence even in a part of the Collector's proposals would expose them as a body and as individuals to reproach by their caste-people. No Muhammadan Municipal Commissioner, he said, may approve of any liquor shops without subjecting himself to public obloquy from his co-religionists. Some Hindu Commissioners would also, he said, be loth to incur odium in the public press by expressing approval of the Collector's proposals. For the reasons which I have stated, Sir, I would not accept any of the amendments before the Council."

The Hon'ble Sir Charles Allen said:—"I propose to say a few words to the Council with Your Honour's permission on one aspect of this question, and that is the connection of Municipalities with the control of the liquor traffic. This subject has been mentioned in the Council on more than one occasion during the course of this debate. For instance, the Hon'ble Babu Deba Prasad Sarbadhikari, when speaking upon the occasion of the reference to the Select Committee, urged that Local Committees should be given 'a real determining voice and effective control' over the liquor traffic, and he thought if this were done, more than half those shops would disappear to-morrow, and with them the drinking facilities. Of the amendments now before the Council, one proposes to give the Corporation control over the liquor traffic of Calcutta, and in the proposals for the creation of Licensing Boards and Advisory Boards, the proposition that Municipalities should have a determining voice in the control of excise matters bulks rather largely. For instance, the Hon'ble Babu Radha Charan Pal's Licensing Boards would consist of six members, of whom three are to be nominated by the Municipality; and similarly one proposal with regard to Advisory Boards is that all the members should be nominated by the Municipality concerned. Further, we have had it put forward by the Hon'ble Babu Deba Prasad Sarbadhikari that one of the defects in the Report of the Select Committee is, that it has not given sufficient prominence to the most fundamental principles of local self-government. I think, therefore, it would be fair to say that in the minds of the Hon'ble Members who have proposed these amendments, the question of the extension of the functions of local bodies so as to include the control of the liquor traffic is very prominent.

"Now, Sir, I think it an important question to consider whether this is a legitimate direction in which the functions of local authorities should be extended, and I shall endeavour to lay before the Council certain considerations which suggest that a negative reply should be given to this question. In the first place, I suppose that my Hon'ble friends would admit that as an example of what they may hope to attain to in the direction of urban self government, England may be admitted to lead the way. I think they will probably admit that. I do not know, however, whether they are aware that the control of the liquor traffic forms no part of the functions of English Municipalities. Now, with regard to that, Sir, I might refer to the list of matters which came under the scope of municipal jurisdiction in England as quoted by Albert Shaw, but I prefer to remind the Council of a recent debate which took place in the House of Commons during the discussion of the Licensing Bill. In the House of Commons a very moderate amendment was brought forward to the effect that no new license should be granted until the local authority had been consulted.

"The Council will see that that is a very moderate proposition, and it is one that has been actually introduced into the Bill now before the Council. Nevertheless, it is a fact that the Prime Minister objected to the inclusion of this clause in the Bill, and in doing so he deprecated the implied suggestion that the normal duty of a local authority was to give advice to the responsible officials in respect of such matters. During the debate strong objection was taken to the proposal on the ground that it was undesirable to give any local authority a statutory right to interfere in the discretion of licensing, or to set up the local authority as against the power of the officials. The amendment was finally rejected by a large majority.

"Now I contend, Sir, that if in England any control over the liquor traffic is considered not to be a legitimate function of Municipalities, this alone would be a sufficient reason for accepting the same principle in this country. But in addition to this argument, there are reasons peculiar to this country, which lead to the same conclusion. For instance, when we think, Sir, of the abhorrence to the consumption of liquor which is felt by the better class of Indians who are largely represented upon the Corporation and upon our Municipal Councils, we can appreciate the observations which fell from the Hon'ble Babu Deba Prasad Sarbadhikari, in his speech yesterday, when he said that the strongest argument in favour of local option is that the number of licenses would in that case be largely reduced. In other words, he would put in the hands of gentlemen who hold such views as these, the decision of such matters as the right of a particular person to obtain a license to sell liquor in a particular locality. Well, Sir, I would put it to the Council whether it is likely that gentlemen who hold such views as these are likely to be able to arrive at an impartial decision on matters of this kind. Will they not be very strongly opposed to establishing a new liquor shop anywhere, and will they not be strongly prejudiced against the liquor vendor in a case of that kind?

"And then, Sir, as a last consideration, I would strongly urge upon the Council that it is undesirable in the interest of the purity of their administration that Municipalities should have anything to do with the liquor traffic. I do not know that I need labour this point for American experience demonstrates the temptations to dishonest dealing to which Municipal bodies which control the liquor traffic are subjected

"I pass now to the Hon'ble Babu Radha Charan Pal's proposal for the formation of a Licensing Board, and I should like to point out, that the proposal goes far beyond the scope of the jurisdiction of English Municipal institutions, and what is more important, it goes in an opposite direction to what is there considered expedient. It also goes beyond the Corporation's proposals, because the Corporation left the final decision of all matters, subject to appeal, to the Chief Presidency Magistrate in Calcutta or to the District Magistrate of the 24-Parganas; and it goes beyond the proposals of the Calcutta Excise Committee which would have left the selection of the members of the Board in the hands of the Government. This amendment should therefore in my opinion be rejected.

"In conclusion I desire to emphasize the opinion that the delegation to Municipal bodies of authority over the liquor traffic, is altogether undesirable, and should not be permitted in this country in any shape or form."

The Hon'ble MR. DAS said:—"Your Honour, this is, as Your Honour observed, the most important amendment that has been introduced in this Council, and we have limited time. Representation is very much valued, so also what has been called by the Hon'ble Babu Deba Prasad Sarbadhikari, local option. Representation, Sir, ought to be viewed in a peculiar light in this country. Take the case of a Municipal Commissioner who represents the voters who voted for him. He represents the voters in those matters where he and the voters have a common interest, and that interest in Municipal matters is sanitation and other public matters of a similar nature. As a matter of fact, as has been pointed out by the Hon'ble Mr. Macpherson, there is a great difference of opinion as regards the drinking question, if I may use such an expression. There is no doubt that there are some men who consider it a sin, a sin which ought to bring on loss of caste. Under these circumstances, that being the state of the country, I cannot say that a person who represents

[*Babu Deba Prasad Sarbadhikari; The President.*]

a certain class of people in matters strictly municipal ought to be taken as their representative in a matter in which, according to religion, according to his habits of life, they differ. Looking at the matter in that light, I should think, Sir, the time has not come and I do not think in India the time will ever come when a Municipal body on the present principles of representation and voting can be considered as the final determining authority with respect to licensing, but there cannot be, Sir, the same objection to have Advisory Boards, where the person who has the final determining power would consult the views of the people, but need not necessarily be bound by their views. I am sure it is the intention of the Government, at least of Your Honour's Government, to utilize the provision of sub-clause (*n*) [*now(j)*] of clause 79 (*now* 85) in that direction and to bring about gradually a state of things where local option in these matters may have such concession as may be legitimately given to them, without bringing into prominent relief points of conflict, contrast and contradiction between the different classes of the community. I can see some force in the argument which has been brought forward by the Hon'ble Member in charge of the Bill, when he said that he was not prepared to make a statutory provision for such a Board. I do not think, Sir, there need be any fear in that direction if powers of the functions of such an Advisory Board are definitely laid down in the statute book, yet I do not think a statutory provison would be of any gain either, if the Advisory Board has not any power For myself, Sir, I am inclined to think that this power, in the matter of exercising the rights of local option and representation in a manner which would lead to right development and in a proper direction of the rights of the people, ought to be left in the hands of Government, and I know that in the present instance, it could not be left in better hands than in the hands of the gentleman who presides over this Council."

The Hon'ble Babu DEBA PRASAD SARBADHIKARI said:—"I do not know whether my friend, the Hon'ble Babu Radha Charan Pal, wishes to reply on one of the amendments."

The Hon'ble the PRESIDENT said:—"It rests with yourself to reply first, and the Hon'ble Babu Radha Charan Pal can also reply, as he is a mover of one of these amendments. Both the Hon'ble Members are entitled to reply."

The Hon'ble BABU DEBA PRASAD SARBADHIKARI said:—"Sir, we have heard to-day a much stronger statement of the case on the other side than I confess I have been accustomed to, and for the first time a grave doubt has been expressed by a Member as to whether the time will ever come in India when it will be possible to leave the consideration of questions like these to others than Government officials. This is far too large a question for this time and place, and I shall not attempt its detailed consideration. For the present purposes I shall content myself with the more sober statement of the case by the official Members that the time has not yet come when such powers could be safely entrusted to others than Government officers and that 'in the fullness of time', licensing Boards will be allowed under certain circumstances and terms, though nothing has been urged in support of the contention that the time has not come. Many of the observations of the Hon'ble Sir Charles Allen have been directed towards what is not just now before the Council, namely with regard to entrusting Municipal bodies with powers that I contend should be vested in Advisory Boards."

The Hon'ble the PRESIDENT said:—"Is the Hon'ble Member correct in that? We are also discussing 72, the amendment which relates to the municipalisation of this power."

The Hon'ble BABU DEBA PRASAD SARBADHIKARI said:—That is so, Sir, but that amendment, I take it, would be taken separately, although for the sake of convenience we are grouping them together. But if it be Your Honour's ruling that in dealing with this amendment, the other also is before the Council, that observation of mine will, of course, require modification."

The Hon'ble the PRESIDENT said:—"I understood that the Hon'ble Members had agreed to that course."

[*Babu Deba Prasad Sarbadhikari.*]

The Hon'ble BABU DEBA PRASAD SARBADHIKARI said:—"That is so, Sir; but for the purpose of voting they must be kept separate, and what applies to one need not necessarily apply to the other. The Hon'ble Sir Charles Allen has referred to what I said when the Bill was being referred to the Select Committee. I then expressed more comprehensive and stronger (but none the less tenable) views than those that my amendments represent. The Hon'ble Member will have observed that on realising the actual situation and the temper of the Government and the Council, the amendments we have ventured to bring before the Council are really much less in scope than what I ventured to indicate on the previous occasion, and I claim to have erred on the side of moderation and not over-statement. I realised that not nearly the whole of our requisitions would be accepted, and I am now advocating only for a very small measure of concession, and that is, that under certain circumstances it will be possible for the Government to give the people a Board like this, and a statutory provision should be embodied showing that that concession has been granted. As the two questions are discussed together, I may refer to the Hon'ble Sir Charles Allen's observations with regard to the question of expediency of allowing Municipalities to have anything to do with licensing. Sir, I venture to say that the observations with regard to exclusion of purely Municipal bodies in England are not quite applicable, because a distinction is made there between a Municipality and Licensing Justices, County Councils and Borough Committees, with reference to a matter of this description. True it is not what we understand as Municipalities but bodies like the last-named bodies that are entrusted with licensing powers. But we have nothing like that in this country, and because in the Municipalities is represented the achievement of all that can be claimed in the shape of popular representation our Government were obliged in the past enactment to look upon these institutions as likely bodies that might be entrusted with powers like these under prevailing circumstances. There might be reasons why certain Municipalities should not be vested with powers like these at the present, but in a place like Calcutta, where the power has been in existence for years, and for some reason or other not been exercised, I do not think any evil is likely to arise. The Hon'ble Sir Charles Allen's experience in Municipal matters is very great, and if he has reasons to fear that the purity of administration would be lowered because of powers that have been in existence for so many years, that is a matter to be settled between him and the Municipality of which he was long the honoured head. I know not what the standard of prevailing purity may be now, for it is now many years since I was a member of the Corporation in very distinguished company when such purity could not be impeached with impunity. At any rate, Sir, I venture to think that we have no facts that would make us think that what is for the good of the administration, whether from the point of view of purity or justice, would be interfered with if powers like these were delegated to those bodies. If that is not desirable, it is right and proper that some body, which would be entirely in the hands of the Government, and the working of which would be under Government control for the present, ought to have jurisdiction in these matters. A reference has been made to the recently constituted Advisory Boards. With a certain amount of assistance their labours will, after all, have some tangible result, if statutory provision such as I plead for is vouchsafed. Sir, reference has also been made by Sir Charles Allen to the extreme temperance views on the part of Mahommedans and Hindus, but Sir Charles Allen has been long enough in office to know that when they are called upon to discharge their duties, Hindu Commissioners and Musulman Commissioners, or for the matter of that Hindu and Musulman policemen and Military have not been wanting in spite of their convictions and their creeds. And, Sir, we must remember in this connection that we are not handing the whole matter over to Hindus or Mahommedans, or to people having extreme views, who will only have their own say, but the whole of the Board will decide the matter in the same way as the officials are now deciding. All that we want is some official recognition of the principles of having these independent bodies so that real results may emanate from their operations. Having regard to these views, if we consider it undesirable that the people should participate in these matters whatever their abilities, resources and discipline may be, of course, the Hon'ble Mr. Das' conclusion will have to be accepted as true, but if on the other hand we rely upon, I shall not call it

a promise, Sir, but the assurance of the Hon'ble Member in charge of the Bill that in the fulness of time it will be possible to allow people powers like these, I do not doubt that the delegation will be almost immediately possible. I shall not repeat the observations that I ventured to make on the other occasion as reasons for moving this amendment, but will merely remind the Council that one District Magistrate said, that if 90 *per cent.* of the people of the locality were to evince feelings against liquor shops, liquor shops in the locality ought not to be in existence. It may be that sentiments like these ought not to be tolerated, but, Sir, when all sections have an opportunity of expressing their views and a settlement of the question is come to after due deliberation, I do not know why we should have any reason to distrust delegations like the one that I urge. Sir, the question is a most important one and public expectation has been raised high. I would humbly beseech the Council to accept the very moderate proposal which I now venture to make."

The Hon'ble BABU RADHA CHARAN PAL said:—"Sir, in the first place, I must acknowledge the very sympathetic way in which, although opposing our amendments, the principle of our motions has been received by the Hon'ble Member in charge of the Bill. It is in marked contrast with the pronouncement of my Hon'ble friend to my right, Mr. Das, who thinks the time will not come when the country should be fit for having Licensing Boards. My friend seems to be under the impression that under the progressive British administration we shall not attain even such a small advantage. If what my Hon'ble friend now holds had been the character of British rule we should not see him here as the distinguished elected member for Orissa.

"Then, Sir, with reference to the observations of the Hon'ble Member in charge of the Bill that the Advisory Board will be the prominent feature in the licensing of liquor shops, and that it will be provided in the rules to be framed, I desire to point out that it has been a general complaint, both in and outside this Council, that this piece of legislation is more or less rule-making. Although I know full well, and thankfully acknowledge, that Government in the future will constitute Advisory Boards, it would have been some concession to public opinion, if instead of leaving it to rules, it had been granted as a statutary privilege. Sir, we are to day, thirty-five years after section 84 was first inserted in the Act (Ben. Act VII of 1878), discussing the propriety of appointing Advisory Boards. When this clause was incorporated in the Bill in August, 1875, under the direction of the then Lieutenant-Governor, it ran as follows:—

13*a*. Notwithstanding anything in this or in any other Act contained, it shall be lawful for the Lieutenant-Governor to assign to the Justices of the Peace for the town of Calcutta, or to any other municipality, such functions and powers as he shall think fit in respect to the granting, withholding, and withdrawal of licenses for the sale of spirituous or fermented liquors and intoxicating drugs (being functions and powers which, but for such assignment, might legally be exercised by any officer of Government), to be exercised by such Justices or by such municipality within the limits of their respective jurisdictions, under such conditions and subject to such rules as the said Lieutenant-Governor may impose; and the Lieutenant-Governor may at any time withdraw and revoke any functions and powers which he has assigned under the provisions of this section.

"This clause was accepted by the then Chairman of the Corporation, Sir Stuart Hogg. Like the Hon'ble Sir Charles Allen, he was associated for a long, I should rather say much longer, period with the Corporation, and he did not think, like the Hon'ble Sir Charles Allen, that the Corporation was not fit to discharge these functions. I am greatly surprised to observe that the Hon'ble Sir Charles Allen is even opposed to the formation of Advisory Boards. He shakes his head; therefore, I may take it for granted that he will not oppose my motion for the inclusion of a provision for Advisory Boards in the Bill. The Hon'ble Sir Charles Allen suggests that I have gone beyond the recommendation of the Corporation in the matter of Licensing Boards. I venture to think I have not done so. I have in fact asked for much less than what the Corporation of Calcutta had asked. The Corporation of Calcutta suggested the formation of a Licensing Board consisting of the Chairman and twelve members of the Corporation, with the proviso that the decision of the Board should be subject to revision by the Magistrate only. It is true I have omitted the last provision,

and my reason for doing so is this—I have asked for the appointment of a mixed Board, consisting of the Chairman, Commissioner of Police, the Excise Commissioner and three members of the Corporation, and not of 12 members only, excluding the officials. I am not one of those who would always like to work without the officials. I think, Sir, if we have an equal number of officials on the Board, it might not be necessary to provide for an appeal to the Magistrate. If, however, the Hon'ble Sir Charles Allen thinks that that proviso should be added, and if he would vote for my motion, I shall be very glad to do so. The question of Licensing or Advisory Boards should not be dismissed with the gloomy prediction that they would not work well. What has been the result of the working of the Advisory Board with which the Chairman of the Corporation was associated? Has not that Board worked satisfactorily? The question of caste and prejudice against drink has been raised. Did not both the Hindu and Mahomedan Commissioners heartily co-operate with the Excise officials regardless of caste considerations or of prejudice? There is another example. The Hindu and Mahomedan Commissioners are associated in the management of cow and pig slaughter-houses. Have they shrunk from their duty, through any consideration of caste and prejudice, to improve and expand the slaughter-houses? Sir, under British rule and British civilisation, caste distinction and caste prejudice are things of the past. The most orthodox of those members of the Hindu and Mahomedan communities are tolerant of the objectionable food and drink of others. I think, therefore, that the objections do not apply on the present occasion. Sir, as my hon'ble friend Babu Deba Prasad Sarbadhikari has said, this question is watched with great interest by the public. European and Indian public opinions strongly urge the appointment of Licensing Boards, and we have, by different amendments, suggested alternative proposals, and I pray, if Your Honour's Government do not see fit to accede to our prayer for the formation of Licensing Boards, Your Honour will at least be pleased to grant us the Advisory Board, considering that the licensing power we got in 1875 is altogether wrested from us."

The Hon'ble MR. DAS said:—"The Hon'ble Members—the non official Members to my left, have supported this amendment, and they have also said, Sir, that this amendment has been pressed before Your Honour in deference to public feeling. The Hon'ble Sir Charles Allen has brought forward certain considerations which certainly ought to have weight in this Council. The question is the employment of the children of the vendor himself, and also the employment of other children who are taken into service. As regards the children of the vendor himself, the argument that their employment in the premises would bring within their knowledge, at an early date, the undesirable scenes of an objectionable house ought not to carry much weight, Sir, because at any rate, perhaps, the vendor's children will be frequently going to the place and seeing these scenes there without even being employed; but there is another view of the question, and that is, at what age do the susceptibilities to such temptation develop in a child? I cannot imagine that a child of 7 or 8, even if he were to see these scenes of indulgence in drinking propensities, would imitate them. The real question is at what age in this country the susceptibilities to degradation develop, and when is it likely that a child in this country would imitate the doings of others who are in the path to such degradation. The question is not free from difficulty, but if we, I submit, Sir, adopt the age that has been accepted in England, we shall at least have the force of precedent; and considering there is much public feeling, and considering that a difference of two years will not make much difference, I submit respectfully that we should be acting prudently if we accepted the English age. I do not attach any importance whatever to the age of majority because a man, when he is grown up, unless his character has been formed, if he is thrown in environments which are likely to lead him to ways of evil, is more likely to be led away along the paths of evil than when he is a child."

The Hon'ble THE PRESIDENT said:—"This question of the formation of licensing bodies, whether merely advisory or vested with full powers, has received

a large amount of public attention, possibly more than any other part of the Bill, and the speeches we have heard this morning reflect the interest that has been felt in it. Sir Charles Allen and the Hon'ble Member in charge of the Bill have explained fully and clearly the reasons which have led Government to the conclusion that none of these proposals can be accepted: but in view of the interest and importance of the matter, I should like to add a few brief remarks to supplement what they have said. I do not propose to touch on the municipal aspect of the question: that has been dwelt upon very strongly by Sir Charles Allen, who is a recognised authority on that side of the question. I will merely say that, in my judgment, the arguments brought forward by him were not in any way impaired by the subsequent speakers. In regard to the general principle that is involved, I must admit that I feel considerable sympathy with the view that the separation of the functions of licensing from the functions of administration and collection of revenue may rightly be regarded as an ideal which we may look forward to at some future date. I associate myself with the words that fell from the Hon'ble Member in charge of the Bill when he said, 'in the fullness of time'—words which have given rise to a good deal of discussion,—in the fullness of time we may attain to a separate licensing authority which will include a substantial proportion of non-official representation. But in my judgment the introduction of a system of that kind is for the present a matter which is quite beyond our reach, and I also hold that we are advancing towards that ideal at a pace which is quite as rapid as can be expected. I have been Financial Minister in the Government of India, and in that capacity it fell to my lot to deal with the Report of the Excise Committee of 1907. In August of that year, on the advice of that Committee, the Government of India issued a Resolution in which they instructed the Local Governments to establish Local Committees to advise on the number and location of liquor shops in the large urban areas of each province. Now, these orders are not yet two years old. They took some time to carry out, and I understand that in Bengal these Committees, where they have been formed at all, have been working not even one year—certainly it is not much more than a year. Well, I remember we had considerable difficulty in determining the constitution to be given to those Committees, and in the end we rightly, as I think, left a large measure of discretion to the Local Governments. So far as my information goes, the Committees that have been formed in Bengal have worked well, but it is manifest that the whole thing is still in an early experimental stage. It is quite impossible yet to affirm that the experiment has been successful everywhere. We cannot even say that the general outlines of it are correct; and it is impossible to say that the form which it has assumed hitherto is the best that can be devised. Under these circumstances, the only prudent course is to treat it as being still a young and untried experiment. It promises well, but has not yet been put to the proof. It would not be possible for me to advise the Government of India to convert the Local Committees we have already got into Licensing Boards with plenary powers, or even to give them the statutory recognition as Advisory bodies that is proposed in one of the alternative amendments. If these bodies which we have got now, and the new bodies which will come into existence under the rule-making power which we are taking under the Bill, should work well, and if, as one of the speakers put it, they should evince a due sense of responsibility in the discharge of their duty, then, Gentlemen, when the law next comes under revision, a considerable advance will be made in the direction I have indicated. But until more experience has been gained, I think the Council will be well advised to accept the provision in the Bill as it stands and reject these various amendments."

Motions 67, 69 and 70 were put and lost.

The said motions having been lost, motion No. 71 was not put.

Motion No. 72 was then put and lost.

Clause 42 (now 38).

The Hon'ble Mr. Macpherson moved that the following words in sub-clause (*1*) of clause 42 (*now* 38) of the Bill be omitted, namely :—

> either generally by rule made under section 80, or specially in any particular instance.

[*Mr. Macpherson; Babu Deba Prasad Sarbadhikari.*]

He said:—"The reason for omitting these words is similar to that which was given by me in moving a former amendment this morning. It is unnecessary to direct that the Board should publish all their forms in the Gazette. Sub-clause 5 (*a1*) [*now* (10)] of clause 80 (*now* 86), which gives power to the Board to prescribe particulars to be contained in licenses and permits, will be retained; and a rule made on this subject will have to be published in the Gazette. It is not necessary to provide more than this, and the words specified by this motion may therefore be omitted from clause 42 (*now* 38)."

The motion was put and agreed to.

Clause 49 (*now* 44).

The Hon'ble Mr. Macpherson also moved that, at the end of sub-clause (*1*) of clause 49 (*now* 44) of the Bill, the following be added, namely:—

unless the license is liable to cancellation or suspension under section 47.

He said:—The object of this amendment is to prevent a licensee who has misbehaved and has thus rendered himself liable to cancellation of his license from surrendering it, and thereby escaping the penalty of forfeiture of his deposit which is provided in clause 47 (*now* 42). Such surrenders to avoid forfeiture are known at present."

The motion was put and agreed to.

Clause 50 (*now* 45).

The Hon'ble Mr. Macpherson also moved that, in clause 50 (*now* 45) of the Bill, for the words from "the Collector" to the words "any other person" the following be substituted, namely:—

the Collector may (in the case of a license, after the cancellation or surrender thereof, and, in the case of an exclusive privilege at any time)—

(*a*) take the grant under management, at the risk and loss of the person to whom it was made, or

(*b*) transfer the unexpired portion of the grant, at the risk and loss of the said person, to any other person.

He said:—"The object of this amendment is to make it clear that direct management, or transfer of a license, is a measure to be taken only after cancellation or surrender. It is not a measure alternative to cancellation. It would be subsidiary to and consequent upon cancellation."

The motion was put and agreed to.

Clause 52 (*now* 47).

The Hon'ble Babu Deba Prasad Sarbadhikari moved that clause 52 (*now* 47) of the Bill be omitted.

He said:—"This, as appears from a marginal note, is a new section, that has been borrowed from the Madras Act. It is a distinct penal section, or rather, follows a penal section—section 78 of the old Act. It was laid down in a well-known case that penal provisions of the Act, should be construed strictly. The present penal section, I submit, is by no means within the spirit of that ruling. Crime is not to be presumed, and except in certain exceptional cases presumption must be always in favour of innocence, on the ground that a prosecutor must prove every fact necessary to substantiate his charge against a prisoner, or, in other words, that the law always presumes innocence in the absence of convicting evidence to the contrary. In criminal cases the burden of proof, unless shifted by legislative interference, always falls on the prosecuting party and in order to convict he must necessarily have recourse to negative evidence. The Legislature in England has now in some cases got rid of the necessity of proving negative matter, either by enactments creating the

offence afresh and omitting all mention of the negative matter, but more generally by expressly enacting that the burden of proving authority, consent, lawful excuse, and the like shall be on the defendant. Thus the accused is by the statutes relating to the offences, bound to protect himself by showing affirmatively the existence of some lawful authority or excuse, where he is charged with sundry statutory offences. Such would be the case for example where a person is found drunk upon licensed premises; it then lies upon the holder of the license according to the English law to prove that he took all reasonable steps to prevent drunkenness on the premises. This provision is in our Bill also, and we are not objecting to it, but the line must be drawn somewhere, and I would draw it here, because the scope of the present clause is for too wide and large. Such safe-guard as may be claimed for this clause is already provided to a certain extent. A reference to section 114 of the Evidence Act will show that a certain amount of presumption in certain circumstances is permissible against the accused, if he fails to avail of opportunities to clear himself, but such permissibility cannot be expanded or amplified by special enactment, except upon a strong case being made out, and no case has been attempted to be made out in the present connection, except that the Madras Act has such a section. As Lord Stowell observed in a well-known case, 'to take presumption in order to swell an equivocal fact, a fact that is absolutely ambiguous in its own nature, into a criminal fact is a mode of proceeding of a very different nature, and would be an entire misapplication of the doctrine of presumption.' If under clauses 51 and 52 (*now* 46 and 47) of the Bill, the facts constituting the offence were proved first and then the connection between the accused and the offence were sought to be established by the prosecution, Lord Stowell's observations could not have so pointed a bearing. As things stand in the Bill the Court ought not to be allowed to presume that the accused is guilty. Special evidentiary rules in advance of the Indian Evidence Act can be sanctioned only under special circumstances such as called forth the Indian Criminal Law Amendment Act of 1908. But even there the limitations and safe guards are many, and only a very special Court is allowed to exercise the special power. The clause which we are dealing with not only expands the area of admissibility of evidence as the Criminal Law Amendment Act does under very special circumstances, but actually sanctions presumption of guilt. In the language of the judgment in another well-known case: 'In the inferior Courts in this country the right principle is occasionally reversed and a person is presumed to be guilty, the moment he is accused, and every attempt on his part to prove his innocence is regarded as vexatious.' It has already been laid down with sufficient clearness and emphasis in law that 'the presumption of innocence may be overthrown and a presumption of guilt raised by misconduct of the party in suppressing or destroying evidence,' and having regard to the class of courts that will have the administering of the extra powers now sought to be added, and also in absence of any case for such addition, I am justified in asking for its rejection, though it may be in favour of the public only. The Commissioner of Patna puts it very mildly, but sufficiently strongly according to the standard of official parlance, that the new clause is "rather a stretching of section 103 of the Indian Evidence Act," and creates a peculiar presumption. That presumption ought not to be allowed."

The Hon'ble Mr. Macpherson said:—"I cannot advise the Council to accept this amendment, Sir. The clause creates a presumption as to offence when possession is not satisfactorily accounted for. It follows the Madras Act and it follows our own Opium Act of 1878, but, whereas in the Madras Act and in the Opium Act the words are that 'it shall be presumed' our Bill provides that 'it may be presumed', which is a more lenient provision. If possession be satisfactorily accounted for, then, of course, no presumption of guilt would arise. In an illustration given in the Indian Evidence Act, it is stated that a person found in possession of stolen property may be presumed to be guilty if he is found in possession shortly after the theft. It would be for a person in possession of a still, or of fermented *mowha* to show for what purpose he was in possession. If he could do so then no presumption of guilt would arise."

[*Babu Deba Prasad Sarbadhikari; Mr. Macpherson; Rai Kishori Lal Goswami Bahadur.*]

The Hon'ble BABU DEBA PRASAD SARBADHIKARI, said:—"This legislation will be superfluous, and the difference between "shall" and "may" will sometimes be lost sight of, and the judgment arrived at may not always be condusive in the interests of justice."

The motion was then put and lost.

Clause 54 (now 51).

The Hon'ble Babu Deba Prasad Sarbadhikari also moved that the words "or intoxicated," be inserted after the word "drunk" in sub-clause (*b*) of clause 54 (*now* 51) of the Bill.

He said:—"I do not know, Sir, that this is the best word that could be used, but it is the only word that struck me in reference to the matter, and the reason of this amendment is that the word 'drunk' will not cover the other cases of 'drugs.' Some reservation like this is necessary for application to excisable articles other than drink. If a man is advanced in intoxication through other drugs, I submit he ought to be placed in the same category of disability as a person who is intoxicated as the result of drink, and unless we have some word like the one I suggest, the limitation will be only in regard to spirituous liquors."

The Hon'ble Mr. MACPHERSON said:—"I accept this amendment, Sir. The acceptance of the amendment would involve consequential additions to other clauses. I would suggest that the motion should take the following form:—

(1) that, after the word "drunk," in sub clauses (*b*) and (*c*) of clause 54 (*now* 51) of the Bill, the words "or intoxicated" be inserted,

(2) that, after the words "drunkenness," in sub-clause (*d*) of clause 54 (*now* 51) of the Bill, the word "intoxication" be inserted, and

(3) that, after the word "drunkenness," in both places in which it occurs in sub-clause (2) of clause 54 (*now* 51) of the Bill, the words "or intoxication" be inserted."

The motion was put in the amended form and agreed to.

The following motions were discussed together, namely:—

79. The Hon'ble Rai Kishori Lal Goswami, Bahadur to move that the word "sixteen" be substituted for the word "fourteen" in sub-clause (*c*) of clause 54 (*now* 51) of the Bill.

80. The Hon'ble Babu Deba Prasad Sarbadhikari to move that for the word "fourteen" in sub-clause (*c*) of clause 54 (*now* 51) of the Bill, the word "sixteen" be substituted.

The Hon'ble RAI KISHORI LAL GOSWAMI, BAHADUR, said:—"Sir, I feel as if I am leading a forlorn hope when I press this amendment for the acceptance of the Council. The motion with regard to the employment of children under 16 years has been rejected, but still I labour the question of forbidding the sale of intoxicants to children of 16 years and under, because I feel that there is an essential distinction and difference between the two cases. In the first case, the forbidding of the employment of children of 16 was combatted on the ground that it will put the vendor to inconvenience, that he will not be able to employ his children in helping him in his trade; but here the matter stands entirely on a different footing. Here what is forbidden is this, that intoxicating drinks should not be sold to children under 16 years. That is the amendment which I wish to press for your acceptance. Since there won't be inconvenience to any one, I think, Sir, there should be no objection to the substitution of the higher age limit. I believe I am right when I say that in England the sale of cigarettes to children of 16 is prohibited. I have not had time to look up how the point stands in regard to the sale of liquors to children in England, but I think, Sir, in the face of the strong public opinion in regard to the limit of age, Your Honour will at least accept the amendment in regard to forbidding the sale of intoxicating drinks to children under 16 years."

[*Babu Deba Prasad Sarbadhikari; Sir Bijay Mahtab, Maharajadhiraja Bahadur of Burdwan.*

The Hon'ble BABU DEBA PRASAD SARBADHIKARI said:—"Sir, I am inclined to take a little more hopeful view of the situation with regard to this particular matter than my hon'ble friend Rai Kishori Lal Goswami Bahadur, and I do not think that we are leading quite a forlorn hope in asking that here at all events the age-limit of 16 may be adopted I shall not refer to the economic grounds referred to by the H n'ble Sir Charles Allen yesterday with regard to employment of children in the interests of the trade, and the present matter stands on quite a different footing. What Your Honour was pleased to say yesterday regarding the age-limit has, I am glad to say, no application to the present case. Since we were here yesterday, I have been looking up the matter, and I find that with regard to the sale of liquor different limits are prescribed in Scotland and England. Fourteen is the age-limit under the Intoxicating Liquors Act. Fourteen is also the age-limit under the Licensing Act of Scotland with regard to the sale of intoxicant liquors to children other than spirits, and 16 is the age-limit in Scotland under the same Act with regard to the sale of spirits to children, and in the recent Act of 1908, 16 is the age-limit for the sale of other things, such as tobacco and cigarettes. With regard to employment also, which argument is not quite applicable for my present purpose, I find that there is a difference in the definition of age limit. Fourteen is the age indicated with regard to employment of a certain description, and 16 is the age-limit with regard to employment of other descriptions, but by the Act for the prevention of cruelty to children with regard to some matters they have fixed the age at 14. But as that particular matter is not before the Council any longer, no useful purpose would be served by bringing it to the notice of the Council. With regard to these limits, there is a further safeguard in the Employment Act, which says that nothing in that Act would prevent the employment by licensed vendors of a member in his family as a messenger to deliver intoxicating liquors. We have this fact standing out that in Scotland, which, if I may refer to Your Honour's own comment, is a still more northern country than England, they have thought that 16 years is the lowest age at which they will sanction for the sale of spirituous liquor to children, and we plead, Sir, that that limit ought to be adopted in this country. I do not know of course whether in regard to drink habits English lads are more precocious than their Scottish compeers, but it is a sort of precocity that we should not like imitated here. It is a sort of predilection that we would be very slow to assist in developing. Sir, it is true that this is an unfortunately situated country with regard to certain matters to which reference has been made. It is a kind of early development that we all deplore, but it is equally unfortunately unavoidable. With regard to avoidable matters, therefore, we are anxious that facilities might not be given and undesirable and avoidable habits should not develop even under the semblance of legislative sanction. I feel, Sir, that if in the case of employment, we could have no distinct concession we ought to do a little better in this case, and as we are making a beginning with regard to the age-limit of consumers, we claim that we ought to make a good beginning. Whatever may be enforced with regard to the employment of trades people's children, I do hope, Sir, that the Council will be inclined to take a more favourable view of things in this respect. It may be, as I have been told by one of the Hon'ble Members, that there will be some apparent hardship in regard to excisable articles other than spirituous drink if the age-limit was raised to 16; but the same difficulty would arise with regard to limits of less than 14. If a lad of 14 is not to be permitted to go and buy a pice worth of *sidhi*, and that is looked upon as a hardship, the same may be claimed for a lad of 13, 12 or 11. As was pointed out yesterday in another connection, it is difficult to make out whether a boy is 14 or 16, and you can only judge by appearance; and in order to be quite sure that a child of less than 14 is not served, it is safe and necessary that a slightly higher age-limit should be fixed. These considerations urge me, Sir, to move with some confidence for the adoption of the age of 16."

The Hon'ble Sir Bijay Mahtab, Maharajadhiraja Bahadur of Burdwan, said:—"I support this amendment."

[*Mr. Macpherson; Babu Deba Prasad Sarbadhikari.*]

The Hon'ble MR. MACPHERSON said:—"I confess, Sir, with some humility that I have not made such careful study of the law of Scotland on this subject as has been made by the Hon'ble Member for the University. I have no doubt the Hon'ble Member has correctly stated to us the law of Scotland in the matter, but I am not quite sure that he has entirely appreciated the provisions of the Scottish law in connection with the clause we are discussing. Not only in Scotland, but in England, the law since 1872, and perhaps before 1872 has forbidden the sale of drink to a person under 16 for consumption on the premises. It was much later that the English Legislature went on to prohibit the sale to children of drink to be consumed *off*, the premises. The provisions which were enacted were to the effect that liquor should not be sold to a child under 14, whether for consumption on or off, the premises, except in a sealed and stoppered bottle. Then, Sir, as the matter of the employment of a child on licensed premises has again been mentioned, I will say that I was not aware that there is a prohibition of employment of a child under 16 on licensed premises, either in England or Scotland. The Act that I quoted to the Council yesterday was the Children's Protection Act of last year, in which a child is defined as a person under 14. I would call the attention of the Council to the fact that the clause which we are considering does not apply merely to the case of consumption by a child on the licensed premises, but applies to sale for consumption whether on or off the premises; that is to say, it will be illegal for a vendor to sell spirits or intoxicating drugs to a child under 14 whether in a stoppered bottle or in a sealed receptacle or not. To that extent it goes beyond the provisions of the English law and, so far as I know, the Scottish law. I mentioned yesterday that the presence of a child under 14 in a bar of licensed premises is also prohibited in England and Scotland by the Children's Protection Act of last year.

"The provision in this Bill is a new restriction so far as regards statutory provision, and it is not very old as a rule and condition of license. Fourteen was the age limit which was recommended by the Select Committee of 1904 for Bengal on the recommendation of the majority of the District Officers, and 14 was the age adopted some years ago by the Bombay Government. I do not recommend that at present it should be increased."

Motion 79 was put and lost.

The said motion having been lost, motion 80 was not put.

Clause 56 (now 53).

The following motions were discussed together namely:—

The Hon'ble Babu Deba Prasad Sarbadhikari to move that after the words "his business," at the end of line 4 of clause 56 (*now* 53) of the Bill, the following be inserted, namely:—

and not being his guest, friend or relative, and if he charges for such consumption.

82. If the last foregoing amendment be carried, also to move that for the words "not employed as aforesaid," in sub-clause (2) of clause 56 (*now* 53) of the Bill, the words "not excepted by sub-section (*1*)" be substituted.

He said:—"This, Sir, struck me as necessary, and it has been represented to be so in the interests of those who are accustomed to have drinks and who live on Dispensary premises with their families. A large number of dispensaries have come into existence in Calcutta owned by others than Indians who are bound to live on the premises and have to see friends and entertain them, and if the limitation is only with regard to their servants there may be a difficulty in the way of domestic and hospitable duties. I think, therefore, that if a man happens to live on the premises and receives friends and does not charge for the entertainment, a relaxation of the rule ought to be permissible."

The Hon'ble MR. MACPHERSON said:—"I would not accept this amendment, Sir. The Hon'ble Member has noticed that this clause which imposes a penalty for the consumption of excisable articles in chemist shops, unless the

[*Rai Kishori Lal Goswami Bahadur; Mr. Das; Mr. Macpherson.*]

articles be *bonâ fide* medicated for medicinal purposes, is more stringent than the existing law. The prohibition covers the whole 24 hours, whereas in the existing Act, the prohibition covers only the hours between sunset and sunrise, and the penalty also has been made more severe. The Hon'ble Member would, therefore, at least allow some hospitality on business premises. In one of the opinions received on the Bill, the question is asked whether a chemist is not to be allowed even to give a glass of brandy in the case of a street accident. The subject requires some attention. I find that the form of words used in this clause, except for the elimination of the words 'between sunset and sunrise' contained in the existing law, practically goes back to the Council Debates of 1875 when the subject of the abuse of the law by sale of liquor in dispensaries appears first to have attracted serious attention. We have undoubtedly curtailed the liberty of the chemist still further, so far as regards any hospitality on business premises. This matter does not appear to have attracted attention except from the Hon'ble Member for the University who has moved this amendment. I think that the words which he would insert would be dangerous, more dangerous than he thinks, in encouraging what has been described as an insidious form of excise offence. Such offences are well known in America, where sales of liquor are in some States allowed only in drug stores. I would, therefore, oppose the amendment. With regard to the case of a stimulant given in the case of a street accident, I notice that this point was considered as far back as 1875. The Hon'ble Mr. Dampier then said in Council that certainly no Magistrate would convict in such a case, and it may be added that there can be no prosecution for such an offence under the provisions of the Bill now before the Council, except on the complaint of an Excise Officer. I refer to clause 74 (*now* 77). Clause 74 (*now* 77) states the circumstances under which a prosecution may be initiated."

Motion 81 was put and lost.

The said motion having been lost, motion 82 was not put.

Clause 63 (now 62).

The Hon'ble Rai Kishori Lal Goswami Bahadur moved that, in line 2 of clause 63 (*now* 62) of the Bill, the word and figures "section 54" be inserted after the word and figures "section 51."

He said:—"Clause 63 (*now* 62) deals with the punishment to be inflicted in cases of second or subsequent convictions. I find that enhanced punishment has been provided in respect of offences which are in the interest of revenue, but offences which are to be punished in the interest of public convenience, order or safety, are left out of clause 63 (*now* 62), and in this respect there is a remarkable departure from the old Act. The existing Act, in section 74, lays down that whenever any person is convicted against the provisions of that Act, punishable with a fine of Rs. 200 or upwards, after having been previously convicted of a like offence, he shall in addition to the penalty attached to such offence, be liable to imprisonment for a period not exceeding six months. Your Honour must have seen that the prohibitions introduced in clause 24 (*now* 25) and clause 54 (*now* 51) have loomed largely before the public eye. At all events we attach very great importance to the proper working out of these prohibitions, and I propose that clause 54 (*now* 51) be added to the number of clauses in which enhanced punishment is allowed."

The Hon'ble Mr. Das said:—"I endorse the arguments of my friend the Hon'ble Rai Kishori Lal Goswami Bahadur."

The Hon'ble Mr. Macpherson said:—"The Hon'ble Member's proposal is that an enhanced punishment should be provided in the case of a repetition of offences against clause 54 (*now* 51). Clause 54 (*now* 51) relates to offences of a licensee in regard to drunkenness on licensed premises, employing a woman or child in contravention of the provisions of the Act, supplying drink to a drunken person, and supplying drink to a child. I do not contest the justice of an enhanced penalty in the case of the repetition of such an offence, but I have to explain that the penal clauses of a Bill receive very

close attention and special sanction from the higher authorities, that is from the Government of India and from the Secretary of State, and the enhancement of a penalty might mean a reference to such higher authority. Then, Sir, there is another effective penalty which can be imposed on a licensee who offends a second time, and that is the cancellation of his license, which may often be a greater punishment than a prosecution. On these considerations I would ask the Hon'ble Member not to press his motion."

The Hon'ble Rai Kishori Lal Goswami Bahadur, by leave of the President, withdrew the motion.

Clause 68 (now 65).

The following motions were discussed together, namely:—

84. The Hon'ble Babu Deba Prasad Sarbadhikari to move that clause 68 (*now* 65) of the Bill be omitted.

85. If the last foregoing amendment be not carried, to move, with the permission of His Honour the President, that, after the word "behalf" in line 2 of clause 68 (*now* 65) of the Bill, the words "not below the rank of Deputy Collector" be inserted.

86. If the last foregoing amendment be not carried, to move, with the permission of His Honour the President, that, after the word "behalf" in line 2 of clause 68 (*now* 65) of the Bill, the words "not below the rank of Sub-Deputy Collector or Deputy Inspector" be inserted.

He said:—"In moving for the omission of clause 68 (*now* 65), which again is a new provision, I wish to emphasise the undesirability of allowing any authority to compound where penal offences like these have been committed, except with the knowledge and intervention of the Court. There may or may not be the necessity, under certain circumstances, of a provision like this, but at the same time I feel, Sir, that the chances of abuse are likely to be many. The system is likely to lend itself to corruption, considering that the power goes down to the lowest grade of Excise officials, but is also likely to increase harassment and vexation. It is conceivable that people who offend would find it cheaper to do so and pay whatever they may be called upon to do, away from Magistrate or Court, and from the business point of view it will, well pay. There are some cases, Sir, in which the punishment may go up to so much as Rs. 500 and the compounding may not be for over Rs. 200. We must therefore carefully consider the question of the class of officers who are to be allowed to compound. If that goes far enough down in the ranks, the story of the village constable will come back to the minds of many. A constable is much more powerful than the Magistrate or the Commissioner, said an arrested carter, and it is very much better that he should fine him on the spot than take all the trouble of going up to the *Sudder* and risk the chance of a prosecution. And the wise carter urged and pleaded this with success. This objection may be met by acceptance of amendmeut that I have lower down in the list, in case my principal amendment is lost. I felt bound to state the principle that compelled me to give notice of that amendment, but I fairly see that hopelessness of the amendment being carried. I have been in negotiation with the Hon'ble Member in charge and have induced him to think that some limitation ought to be placed by law on the officers allowed to compound. I have drawn two lines. If the Hon'ble Member in charge will please accept the first, it will make the Deputy Collector the official entitled to compound. Here we all know, Sir, that we have a perfectly reliable class of officials,—not only reliable, but also experienced. If that does not commend itself to the Hon'ble Member, I go down a little further and have an equally reliable official, but not so experienced. The only reason why I hesitate to draw the line lower is that the Sub-Deputy Collector may not have the requisite experience. I do not question their ability, but the question of experience very strikingly comes into these matters. Of course judicial discretion has to be exercised, but if away from the ordinary safe guards and surroundings the compounding officer Judges wrong, there is no machinery that can put him right. I therefore urge, Sir, that the second amendment may commend itself to the Hon'ble Member in charge."

[*Mr. Macpherson.*]

The Hon'ble MR. MACPHERSON said:—"With regard, Sir, to the Hon'ble Member's amendment No. 84 that clause 68 (*now* 65) of the Bill should be omitted, I must advise Council that this amendment should not be accepted. It is proposed to take powers for Collectors, or specially authorised officers to compound certain minor offences. When the Hon'ble Member said that he was able to convince me that the class of officers to be so empowered should be defined, I think he did not mean to imply that I was in favour of empowering officers generally in such a matter. It would never be contemplated that subordinates should be given such a power. It will be observed by the Council that except in the case of clause 60 (*now* 59), which relates to minor offences, it is only offences which are committed by licensees which may be compounded. This provision is taken from the Madras Act. Under the present Excise law in Bengal no power exists to compound even the smallest offence of a licensee, and licensees must either be prosecuted before a Magistrate, or their licenses must be cancelled if it is desired to punish them. We have precedents in the Forest Act and in the Stamp Act for allowing compounding of minor offences. The provision will have no application to the graver offences against the Excise law. I would defend the provision therefore, Sir, so as to enable minor offences to be dealt with, without the delay and stigma of a trial before a Magistrate. With regard to the Hon'ble Member's amendments 85 and 86, I would state, Sir, that I would accept amendment 85, providing that no officer below the rank of a Deputy Collector shall be empowered in this behalf."

Motion No. 84 was, by leave of the President, withdrawn.

Motion No. 85 was then put and agreed to.

The said motion having been carried, motion No. 86 was not put.

Clause 69 (*now* 66.)

The Hon'ble Mr. Macpherson moved that the words "or Police officer", in sub-clause (*c*) of clause 69 (*now* 66) of the Bill, be omitted.

He said:—"These words are unnecessary because clause 8(*d*) [*now* 7(*d*)] empowers Government to invest any person with powers of an Excise officer, and the words may be ambiguous as intended to convey that only Police officers may be empowered."

The motion was put and agreed to.

Clause 70 (*now* 67).

The following motions were discussed together, namely:—

88. The Hon'ble Mr. Macpherson to move, with the permission of His Honour the President, that the words "not below such rank as the Local Government may, by notification, prescribe," in sub-clause (*a*) of clause 70 (*now* 67) of the Bill, be omitted.

89. If the last foregoing amendment be not carried, also to move, with the permission of His Honour the President, that after sub-clause (*b*) of clause 70 (*now* 67) of the Bill, the following be inserted, namely:—

or (*c*) in any public or open place, any officer of the Excise, Police, Salt, Customs, Opium or Land Revenue Department.

He said:—"The object of amendments 88 and 89 is to provide for a matter which was overlooked or was the subject of misunderstanding in the Select Committee. The question is whether in the case of graver offences against the Excise law, Excise or Police officers of the lowest rank, viz., constables and peons, should be given any powers of arrest or seizure without a warrant. For instance, a man is selling cocaine in the street, or is carrying smuggled liquor; our present Excise Act does not allow a peon or constable to arrest the vendor of cocaine or the smuggler of liquor even in the street. The constable or peon must call in an officer of higher rank. The Madras Act allows *any* officer of the Abkari, Salt, Police, Land-revenue or Customs

Department, or any other person duly empowered to arrest without warrant in any public thoroughfare or open place other than a dwelling-house any person committing one of the graver offences against the Excise law. And the Indian Excise Act of 1896, which is in force in India and in Northern Burma, authorises any Excise officer to stop or detain any liquor or drug liable to confiscation and to arrest any person found in possession of such spirit or drug. Then, the Opium Act of 1878, which is in force in our province, allows any officer of the Excise, Police, Customs, Salt, Opium and Revenue Departments to seize in any open place, or in transit, opium liable to confiscation, and to arrest any person in possession of opium and others in his company. The Eastern Bengal and Assam Bill, which is now before the Council of the Eastern Province, proposes to authorise any Excise or Police officer in any public place to arrest without warrant, detain and search persons committing the graver Excise offences. As I think, there was an oversight in the Select Committee in this matter, for it will be seen that sub-clause (*b*) of clause 70 (*now* 67) authorises the Local Government to empower *any* person to arrest, detain and search, and no objection has been made to this clause. I think we were perhaps misled in the Select Committee by the comprehensiveness of sub-clause (*b*), but as I am advised by the Hon'ble Legal Remembrancer and by the learned Secretary to the Council, we have so worded clause 70 (*a*) [*now* 67 (*a*)] that we could not give any power at all under this clause to any constable or peon of the Excise Department. There is, as it seems to me, an incongruity in this matter, which came to notice when we began to draft the rules that we would propose to make. It does not seem to be necessary to bar the Government from giving *any* power to Police constables and peons when we have authorised Government to empower *any* person generally under this clause. If therefore, as I would wish, the Council will trust the Local Government to exercise power discreetly in this matter, I think the purpose in view can best be attained by acceptance of amendment 88. I would give the Council an assurance in this case that restriction will be imposed in the case of inferior officers, as indeed the clause already provides. If the Council should be unwilling to take this assurance, I would then ask them to accept the alternative amendment, which practically follows the Eastern Bengal and Assam Bill and provides for exercise of powers in public places by officers of any rank. But I would prefer the first amendment because it seems to me that the powers which a constable or peon should be allowed to exercise in this respect in a public place can best be regulated by a rule."

Motion No. 88 having been put and agreed to, motion No. 89 was not put.

Clauses 70, 73D and 74F (now 67, 74 and 83).

The Hon'ble Mr. Macpherson moved that, in sub-clause (*i*) of clause 70 (*now* 67) of the Bill, after the word and figures "section 51" the word and figures "section 52A" be inserted.

The Hon'ble Mr. Macpherson also moved that, in sub-clause (*b*) of clause 73D (*now* 74) of the Bill, after the word and figures "section 51" the word and figures "section 52A" be inserted.

The Hon'ble Mr. Macpherson also moved that, in sub-clause (*a*) of clause 74F (*now* 83) of the Bill, after the word and figures "section 51" the word and figures "section 52A" be inserted.

He said:—"I would ask leave, Sir, to move amendments 90, 91 and 94 together. Clause 52A (*now* 48) is one of the more serious offences defined in the Bill; it relates to attempts to make denatured spirit potable. It is fitting, therefore, that 52A (*now* 48) should be mentioned in clause 70 (*now* 67), which relate to arrest, without warrant, in 73D (*now* 74), relating to investigation, and in 74F (*now* 83), which relates to institution of prosecutions.

I ask that section 52A (*now* 48), Sir, be inserted in all these clauses. The motions were put and agreed to.

[*Mr. Macpherson; Babu Deba Prasad Sarbadhikari; Babu Radha Charan Pal; Rai Kishori Lal Goswami Bahadur.*]

Clause 73D (now 74).

The Hon'ble Mr. Macpherson also moved that the word and figures "section 53", in sub-clause (*b*) of clause 73D (*now* 74) of the Bill, be omitted.

He said:—"It is proposed to omit this reference to clause 53 (*now* 49) in the specification made in clause 73D (*now* 74), because this clause, which deals with the offence of adulteration not amounting to an offence under the Penal Code, is not held to be one of the more serious offences, and it is not mentioned in the preceding clauses of Chapter X of the Bill.

The motion was put and agreed to.

The Hon'ble Babu Deba Prasad Sarbadhikari, by leave of the President withdrew the following motion of which he had given notice, namely:—

"That sub-clause (*2*) of clause 73D (*now* 74) of the Bill be omitted."

Clause 79 (now 85).

The Hon'ble Babu Radha Charan Pal, by leave of the President, withdrew the following motion of which he had given notice, namely:—

That, in sub-clause (*3*) of clause 79 (*now* 85) of the Bill, after the words "previous publication" the following be added, namely:—

and after considering the objections (if any) received from any person.

The Hon'ble Babu Radha Charan Pal also moved that the following proviso to sub clause (*3*) of clause 79 (*now* 85) of the Bill be omitted, namely:—

Provided that any such rules may be made without previous publication if the Local Government considers that they should be brought into force at once.

He said:—"As I have already said, Sir, the provision requires that when it is enacted that such rules may be brought into force at once without previous publication, such a provision cannot fail to be injurious. I earnestly hope that this provision will be omitted."

The Hon'ble Mr. Macpherson said:—"The proviso requiring 'previous publication' was added by the Select Committee and it was provided that rules may be made without 'previous publication' if the Local Government consider that they should be brought into force at once. The term 'previous publication' has a stereotyped meaning attached to it by the General Clauses Act. When it is stated in any Act of the Legislature that rules are to be made 'after previous publication', the meaning, as laid down in the General Clauses Act, is that there must be a preliminary publication, or publication of rules in draft, for the information of the public, and that all objections and suggestions offered must be considered by the rule-making authorities before the rules are finally made. In fact it has been for nearly thirty years the standing rule of Government that any rules of importance affecting the public must first be published in draft, whether the Act under which they are made so requires or not, unless in circumstances of such urgency as to require that the delay involved should not be allowed. Looking to the matters specified in clause 79 (*now* 85), I think that it would be unlikely that Government would often desire to make a rule regulating the matters named without previous publication. But it might be necessary to do this, and power should therefore be taken for an emergency. If a mistake be made in such a case it would be rectified by modification of such a rule on cause being shown. I would therefore oppose this amendment."

The motion was then put and lost.

Clause 82 (now 88).

The Hon'ble Rai Kishori Lal Goswami Bahadur moved that the words and figures "Subject to the provisions of section 79 (*now* 85), sub-section (*3*)," be inserted at the beginning of clause 82 (*now* 88) of the Bill.

[*Babu Radha Charan Pal; The President; Mr. Macpherson; Mr. Das.*]

He said:—This amendment, Sir, is of a verbal character. Clause 82 seems to me to be in conflict with the proviso to clause 79 (*now* 85)—"The powers conferred by this section for making rules are subject," etc. Here all rules made shall be published in the Gazette. There seems to be a conflict between the two, and in order to put the thing clearly, I propose that these words "subject to the provisions of section 79 (*now* 85)," sub-section (*3*) "be added at the beginning of clause 82 (*now* 88)."

The Hon'ble BABU RADHA CHARAN PAL said:—"I would ask Your Honour to permit me to move amendment No. 100, which is practically the same as that moved by my Hon'ble friend Rai Kishori Lal Goswami. I would accept his amendment, Sir, if it is carried, because it is practically only a verbal amendment, Sir, which will only ensure previous publication."

The Hon'ble THE PRESIDENT said:—"No. 100 is not consistent with the provisions of sub-clause (*3*) of clause 79 (*now* 85) whereas the amendment proposed by the Hon'ble Rai Kishori Lal Goswami Bahadur is consistent with it."

The Hon'ble MR. MACPHERSON said:—"The Hon'ble Rai Kishori Lal Goswami Bahadur's amendment No. 98 would require that there should be a previous publication, not only of all rules and notifications issued by Government, but also of all rules made by the Board. The Board's rules as well as the Government rules must, under the clause as it now stands, be published in the Calcutta Gazette. And if previous publication be required in the case of the Board's rules also, saving of urgent rules must be provided as in the case of Government rules. I can assure the Hon'ble Member that the Board has not ordinarily in the past and is not at all likely in the future to make rules in any important matters affecting the public in excise matters, and having the force of law without a preliminary publication, though of course the Board may issue instructions to its officers without publishing them all in the Gazette. For these reasons I would oppose the amendment."

This motion was then put and lost.

The Hon'ble Babu Radha Charan Pal, by leave of the President, withdrew the following motions of which he had given notice, namely:—

99. That the following words in clause 82 (*now* 88) of the Bill be omitted, namely:—

> "and on such publication shall have effect as if enacted in this Act."

100 That the following be added to clause 82 (*now* 88) of the Bill, namely:—

> "Provided that all rules made under this Act shall be subject to the condition that they be made after previous publication and after considering the objections (if any) received from any person by the respective authorities making the rules."

Clause 83 (now 89).

The Hon'ble Mr. Das moved that the words "lessee or assignee," wherever they occur in sub-clause (*3*) of clause 83 (*now* 89) of the Bill, be omitted

He said:—"I would add nothing more to the reasons I have given for moving the amendment on page 13 of the Report attached to the Excise Bill."

The Hon'ble MR. MACPHERSON said:—"I accept the amendment, seeing that the words may have wider scope than was contemplated."

The motion was put and agreed to.

[*Rai Kishori Lal Goswami Bahadur; Babu Deba Prasad Sarbadhikari.*]

New Clause.

The Hon'ble RAI KISHORI LAL GOSWAMI BAHADUR, by leave of the President, withdrew the following motion of which he had given notice, namely:—

That, after clause 85 (*now* 90) of the Bill, the following be inserted, namely:—

"85A. No suit shall lie in any Civil Court for the recovery of any debt alleged to be due in respect of any liquor consumed on the premises where such liquor is sold."

He said:—I was privileged by the Hon'ble Member in charge of the Bill to discuss my amendments with him and on the present question he drew my attention to clause 80(5)(*iv*) [*now* 86 (*g*)(*v*)] which empowers the Board to prohibit the sale of any excisable article except for cash. That is a much stronger but a desirable provision in the Excise Law, so I beg leave to withdraw my motion."

Clause 86 (now 91).

The Hon'ble Babu Deba Prasad Sarbadhikari moved that clause 86 (*now* 91) of the Bill be omitted.

He said:—"Sir, this clause is new, and no justification for it is pleaded except that it has travelled from Madras; we are not given any facts or any reason in support of the pratical closure of the King's Civil Court against those seeking redress at great cost and at greater risk in case of failure. I claim and maintain that legislation for which no adequate and satisfactory reason can be urged is not only unnecessary but harmful. The Bill contains many provisions for the punishment of defaulting excise men, who, judging by the rigour of some of them, are not deemed to be invariably model men. The Bill in this respect is like the village mother who would unmercifully belabour her child by way of discipline, but would not brook so much as a neighbour's frown. But is the King's Civil Court, supreme belief in which is one of the best assets of the Government in this country, so very rank and unwelcome and outsider? And what right have we to take away the free citizen's right to go to his Sovereign's Court if he is so inclined to do at his own risk, which is tremendous in case of failure? In the words of the Lord Chief Justice of England 'let there be no encroachment on the jurisdiction of the Law Courts and the liberty of the people, who are as a matter of right entitled to the protection of His Majesty's Judges against the abuse of powers by public servants.'

"As the clause has been framed, bad faith will have to be pleaded by a plaintiff before he can put his plaint on the file, and thereby a heavy onus of proof is at once thrown upon him which is a severe handicap. The burden of proof as to the usual facts of the case of course lies on the plaintiff in every case, and this burden would be heavier still if the plaintiff grounds his right of action upon a negative allegation, namely, the absence of good faith on the part of the defendant, and the establishment of this negative would consequently be an essential element in support of his claim. I do not for one moment deny that public officers require protection, and possibly plenty of it. But I also maintain that such protection is already forthcoming, and protection of the Madras pattern such as is claimed in the Bill and some others has not been vouchsafed even by the Protection of Public Authorities' Act in England. All that they have attempted there are certain limitations and conditions as to notice, time limit for suits, place of institutions, pleading of the general issues procedure and special modes of awarding costs in case of apology or prior amends, but no class of suits has been positively barred as is now being attempted.

"This would ordinarily be of little use, for several well known decisions have established that *bonâ fides* is not alone sufficient to bring a case within the privilege of these Acts of Parliament. 'It would be wild work,' observed Justice Willis in a well known case, 'if a party might give himself protection

by merely saying that he believed himself acting in pursuance of a statute. Protecting clauses of this sort would of course be useless if it were necessary that the person claiming their benefit should have acted quite rightly. The case to which they refer must lie between a mere foolish imagination and a perfect dreamer of the statute.' In another well known case Justice Willis laid down that 'there must be some facts upon which a belief could be based, and a defendant would not be entitled to act upon mere guess work or suspicion and without anything that could be called belief at all, as, for instance, when he acted without any grounds for belief whatever, without the knowledge of any facts such as a belief could be based upon.' These and other well known Judicial dicta are distinctly against wholesale and indiscriminate protection even of a lower degree than the one we are called upon to legislate, and a strong case has to be made out for expansion of the area of protection. There is a reasonable degree of protection already, for if we refer once again to the provisions of section 114 of the Evidence Act, we find that it will be presumed that judicial and official acts have been regularly performed. The measure of special protection reserved for Judges or Magistrates under the different prevailing enactments were the products of special circumstances in special times, nothing in the nature of which has been urged or brought forward in the present instance. Those that act aright have nothing to fear. Pollock in his Book on Torts says: 'As to executive acts of public officers, no legal wrong can be done by the regular enforcement of any sentence or powers of law, nor by the necessary use of force for preserving the peace.' Similar protection for Custom and Revenue-officers is provided by law, 'unless they are unreasonable,' or have been 'guilty of clear abuse of authority.' In Jacobson *versus* Slacke it was ruled that, 'if honestly believing that goods are liable to seizure they take or detain them, and the decision of the matter is referred to the proper authority, they are not responsible for the detention of the property, although it may turn out that their judgment on the matter was erroneous, and that the goods ought to have been examined and passed.' Case after case has laid down stating the general rule that 'when the discharge of a public duty involves the exercise of a discretion, no action lies if the discretion has been fairly and honestly exercised.' Quotations like these could be multiplied manifold in support of the proposition that public officers doing their duty under law honestly can have no damages awarded against them, which is all that honest officials can reasonably demand.

"And no case has been made out or even suggested for a sweeping change like this. I hope it will not be argued that what I have urged is in itself sufficient justification for the clause by way of clearing up the doubtful and emphasizing the undoubted. There can be no need for legislating that which is gratuitous, nor justification for legislating that which is objectionable, for the clause is both gratuitous and objectionable. The clause makes good faith the cardinal test as to whether a suit will lie or not. But here an immense difficulty arises which I can hardly persuade myself the framers of the clause have not sufficiently considered. What is good faith? It is nowhere defined in the Bill, and is differently defined in two places, namely, the Indian Penal Code of 1860 and the General Clauses Act, 1897. The chief element of the former interpretation is due care and attention. According to leading commentators, 'mere good faith, in the sense of simple belief, actual belief, without any grounds for believing, is not sufficient: the belief must be a reasonable and not an absurd belief, that is, there must be some reasonable grounds for it. Good faith in act or belief requires due care and attention to the matter in hand. The law cannot mark, except in this vague way, the amount of care and attention requisite; but if a man takes upon himself an office or duty requiring skill or care, and a question arises whether he has acted thereon in good faith, he must show not merely a good intention, but such care and skill as the duty reasonably demands for its due discharge. The degree of care requisite will vary with the degree of danger which may result from a want of care. Where the peril is the greatest, the greatest care is necessary. Simple belief may negative malice and is a strong argument against any criminal intention; but where the question is whether a

[*Mr. Macpherson; Babu Deba Prasad Sarbadhikari.*]

Magistrate or other public servant is justified in doing a certain thing, his judgment must have a better foundation than his mere private belief; for a man may be very foolish in believing himself justified, and the law could not adopt so vague and unsafe a criterion.' The Penal Code interpretation therefore would be more suitable and have a reasonable protective element. The interpretation in the General Clauses Act is however less drastic and more liberal, for according to it 'a thing shall be deemed to be done in good faith where it is in fact done honestly whether it is done negligently or not.' According to the authorities the latter interpretation is based on the principles and wording of section 90 of the English Bills of Exchange Act, and section 62 of the Sale of Goods Act, and can hardly be applicable to or is intended for cases of this description, merely because civil remedies by way of damages are involved. While an 'honest blunderer' may act in good faith within the meaning of the General Clauses Act, an 'honest blunderer can never act in good faith within the meaning of the Penal Code, for being negligent he has not acted with due care and attention.' The definition in the General Clauses Act condones negligence and carelessness, if only there was honesty; while the Penal Code regards honesty as immaterial, and the presence of due care and attention as the most important element. What then is the interpretation applicable to the intended Indemnity clause? Even if the retention of this clause be insisted upon, this should be cleared up, or otherwise rules of interpretation will be positively in the way, and there will be needless litigation. And above all it should be provided that due care and attention should be *a sine qua non* of the good faith demanded and prescribed. If the object of the clause is to clear up, collect and codify the law, scattered over the various judicial pronouncements, text-books and enactments, as in the case of a Public Officer's Protection Act, the result has been by no means happy for the clause absolutely overreaches itself."

The Hon'ble Mr. Macpherson said:—"I must defend this clause. The clause occurs in the Madras Act, exceptthat in the Madras Act the words used, are '*boni fide*,' and we have preferred to put the provision in English words. The clause also occurs in the Bombay Act. It has not been challenged by any person except the Hon'ble Member who moves the amendment; and the Select Committee accepted the clause as it stands. I am advised that the application of the General Clauses Act would apply. The words 'in good faith' would be interpreted by the Courts under the terms of the General Clauses Act. Reading the clause again, Sir, I find nothing unreasonable in it, and I would submit that it would be right to have such a provision, not only in this Act but in Acts generally, for the protection of public officers honestly doing their duty. I would therefore ask the Council not to accept this amendment."

The motion was then put and lost.

The Hon'ble Mr. Macpherson moved that the Secretary be directed to re-number the clauses, sub-clauses and Chapters of the Bill in consecutive order, and to make corresponding alterations in all cross-references thereto.

The motion was put and agreed to.

The Hon'ble Mr. Macpherson also moved that the Bill, as settled in Council, be passed.

He said:—"I move, Sir, that the Bill as settled in Council, be passed, and I have to add one remark only, Sir, to express my thanks to the Hon'ble Members of this Council, for the cordial response which they have made to my request for co-operation in expediting progress in the difficult piece of legislation that has been before us.

The Hon'ble Babu Deba Prasad Sarbadhikari said:—"Your Honour, in spite of the lateness of the hour, I hope your Honour will allow me to make a few observations. We must all be glad that the long drawn exertions of the

Council are over, and the result is something of which we need not be q sorry. In the Select Committee and in Council, important results h been obtained, the beginning of which was made many years ago, and achieve which many hands and many minds have honestly and unceasin worked. The work is not of course finished, and the struggle to get be results will continue. Our very defeat will show us in future how to avoid to get round the pitfalls which have swallowed up many an important ref which we had set our hearts on. From the Hon'ble Member in cha and from your Honour, we have had every courtesy, every assista and every consideration, and our defeat has not been in all cases due to official majority. The non-official members who have taken part in the Deb have as freely differed among themselves as they differed from the Hon Member in charge and other official members. This is a healthy sign, however much I may deplore the results, which by the way could not h been affected by a combination, it is helpful in showing that there was no con nation with regard to this Bill among non-official members. Some non-offi members have been absent throughout the Debate, and some have taken part in it. In this state of affairs the work of the official members easy, and not even the semblance of a debate was attempted. The non-offi members recognised the realities of the situation and took up no m of the time of the Council than could be helped—a bare statement the position was all that was attempted, replies that were as a matter right were freely disclaimed, and some amendments were withdrawn abandoned. I claim therefore that we have responded to the app of the Hon'ble Member in charge of the Bill for harmony and co-operation, the Hon'ble Member in charge has been good enough to acknowlege as mu We are thankful to recognise and record that whatever we have been abl achieve has been through his courtesy and Your Honour's grace. Your Hono assurance that Advisory Boards in an acceptable shape will not be l deferred has filled us with hope and makes our future work easy. And we almost in hopes that the expressions of opinion in and outside the Cou regarding this important measure, though they have made little impressio the work in Council, will to a certain extent influence the framing of the r The Hon'ble Member in charge of the Bill said on more than one occasion t he did not oppose some of the amendments in a spirit of hostility, and that he in fact in sympathy with some that he thought might be dealt with under rules. If that is done, some more advance will have been made. We recogn and are thankful that we have a better, a more righteous and more practi Excise law than we had in the past; and though it is not quite as good as may have wished, the defect is in accordance with the normal imperfections human ordination which will give way to a better order of things to quote felicitous and hopeful expression of the Hon'ble Member in charge in fullness of time."

The motion was then put and agreed to.

The Hon'ble THE PRESIDENT said :—"I desire to congratulate the Hon' Members of the Council on the termination of their arduous and prolonged labo and to express my acknowledgments for the extremely courteous spirit a manner in which Hon'ble Members have conducted the proceedings. I c assure them that we have done our utmost to meet them, and I am only so that we have not been able to go quite so far as they may always have desire

The Council was then adjourned to a date to be notified hereafter.

F. G. WIGLEY,

Secretary to the Bengal Counc

CALCUTTA,
The 6th August, 1909.

B. S. Press—14-8-1909—1902—276—W. M. D'C. and others.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met in the Council Chamber on Monday, the 9th August, 1909, at 11 A.M.

Present:

The Hon'ble SIR EDWARD BAKER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble MR. F. A. SLACKE, C.S.I.

The Hon'ble MR. W. C. MACPHERSON, C.S.I.

The Hon'ble MR. E. W. COLLIN.

The Hon'ble MR. F. W. DUKE.

The Hon'ble SIR CHARLES ALLEN, KT.

The Hon'ble MR. J. G. CUMMING.

The Hon'ble MR. H. WHEELER.

The Hon'ble MR. E. P. CHAPMAN.

The Hon'ble MR. F. L. HALLIDAY, M.V.O., C.I.E.

The Hon'ble MR. E. GEAKE.

The Hon'ble RAI KISHORI LAL GOSWAMI BAHADUR, M.A., B.L.

The Hon'ble SIR BIJAY MAHTAB, K.C.I.E., MAHARAJADHIRAJA BAHADUR OF BURDWAN.

The Hon'ble BABU DEBA PRASAD SARBADHIKARI, M.A., B.L.

The Hon'ble BABU RADHA CHARAN PAL.

The Hon'ble MR. M. S. DAS, C.I.E.

The Hon'ble IHTISHAM-UL-MULK RAESUDDOWLA AMIR-UL-OMRA NAWAB ASEF KADR SYUD WASIF ALI MEERZA KHAN BAHADUR MAHABAT JANG, Nawab Bahadur of Murshidabad.

The Hon'ble RAI NALINAKSHA BASU BAHADUR.

[*The Nawab Bahadur of Murshidabad, Amir-ul-Omra; Sir Charles Allen; Mr. Wheeler.*]

QUESTIONS AND ANSWERS.

DACOITY.

The Hon'ble the NAWAB BAHADUR of Murshidabad, AMIR-UL-OMRA, asked:—

Has the attention of the Government been drawn to the several cases o dacoity noticed in the *Englishman* of the 29th April, 1909, and does th Government propose to adopt any special means for detection and suppression

The Hon'ble SIR CHARLES ALLEN replied:—

"Last cold weather the attention of Government was drawn to th prevalence of dacoity in the 24-Parganas, Hooghly and Howrah districts and measures to deal with it were concerted in consultation with the Inspector General of Police.

"Two new police-stations were opened in neighbourhoods where man bad characters were believed to reside, and a number of specially selecte officers were deputed by the Criminal Investigation Department to conduc the investigations. These measures have proved successful; two local gang have been detected and broken up, and the members are now awaiting trial.

"As a result dacoities have practically ceased in these districts."

REDUCTION IN THE VACCINATION FEE.

The Hon'ble the NAWAB BAHADUR of Murshidabad, AMIR-UL-OMRA, asked:—

Has the attention of the Government been drawn to a paragraph tha appeared in the *Amrita Bazar Patrika* of the 14th April, 1909, in which it i suggested that, in view of popularising Vaccination, the fee of four annas pe head for Vaccination at home be either abolished or reduced to a nominal sum of one anna?

If so, will the Government be pleased to say whether it has any intentio of making any alteration in the fees?

The Hon'ble MR. WHEELER replied:—

"Government has seen the paragraph referred to by the Hon'ble Member In places in which the Vaccination Act is in force, the law provides for th levy of a fee not exceeding eight annas for each operation performed b request otherwise than at a public vaccine station. This fee has been fixe by rule at four annas, but this may be remitted on the ground of povert in the case of a female, who, from the custom of the country, is unable t attend at a public vaccine depôt. Operations done at a public vaccine statio are free. The Lieutenant-Governor is not aware that any great hardshi results from the working of the existing rules, but in order to encourag vaccination, he is willing to consider the reduction, outside the town c Calcutta, of the fee charged for any number of operations performed in on family on the same day at one house to eight annas. The fees chargeable i the town of Calcutta are regulated by the Corporation."

WANT OF AMBULANCES IN CALCUTTA.

The Hon'ble the NAWAB BAHADUR of Murshidabad, AMIR-UL-OMRA, asked:—

Has the attention of the Government been drawn to an article in th *Englishman* of the 25th May, 1909 (Dâk Edition), complaining of the want o ambulances in the city of Calcutta for the removal of cholera and small-po patients to hospital?

Will the Government be pleased to state whether it will take suc action as will ensure the keeping of at least two ambulances at each importan police-station in the city, which may be available when necessity arises?

[*Mr. Duke.*]

The Hon'ble MR. WHEELER replied:—

"The attention of the Government has been drawn to the article cited.

"The provision of ambulances in Calcutta is a matter which is dealt with by the Corporation, which is at present considering proposals to increase the number of ambulances available for the removal of infectious cases to hospital.

"Under these circumstances Government will await information as to the decision which may be arrived at by the Corporation."

THE CALCUTTA AND SUBURBAN POLICE (AMENDMENT) BILL, 1909.

The Hon'ble MR. DUKE presented the Report of the Select Committee on the Bill further to amend the Calcutta Police Act, 1866, and the Calcutta Suburban Police Act, 1866. He said:—

"I beg leave to present the Report of the Select Committee on the Bill further to amend the Calcutta Police Act, 1866, and the Calcutta Suburban Police Act, 1866. I do not propose at this stage to take the Council through the details of the Bill, and the observations which I have to make are purely of a general character. The Select Committee has given close attention to every provision of the Bill at four sittings, each of considerable length, and I would desire first of all to acknowledge the laborious assistance which throughout has been given by the non-official members and the full consideration and patient examination which they have accorded to every point of difficulty. While I regret that two of them have been unable to accept the recommendations of the Select Committee without recording notes of dissent, I rejoice in the acknowledgment of the Hon'ble Babu Deba Prasad Sarbadhikari that the Committee has worked with entire harmony in trying to improve the Bill and to render it unobjectionable to the public. *Writers and speakers frequently appear* to believe that official and non-official members must regard such a measure as this from absolutely opposite points of view. No doubt in many respects they appear to do so and will be found contending for opposing principles. Yet surely the points of agreement should always be more frequent than the points of divergence. All must desire that a Police Act should be so drawn as to provide sufficiently for the maintenance of peace and order. The non-official member cannot desire that its provisions should be so weakened that the Police would be hampered or rendered inefficient in dealing with crime and disorder, nor on the other hand can the official desire that the public should be subjected without redress or remedy to the arbitrary caprice of Police-officers. It is natural and right that the non official should be more disposed to examine the provisions in order to ascertain how members of the public may be injuriously affected, and it is impossible that this or any other measure of the kind should be so drafted that it cannot be made to appear that, if all the authorities are unreasonable and unite and persist in applying the most stringent measure and the severest penalty at their disposal to the weakest case, injustice and hardship may result. The official looks more to the general intention and natural application of the measures which he designs. He assumes that Police-officers and Magistrates have some degree of common-sense and reasonable feeling, and he may overlook the fact that these are not invariably present and operative. But it is the function of Select Committees to reconcile and harmonise these points of view. While I regret that in this respect we have not been completely successful, I believe that in fact much has already been obtained, and that even the dissenting members realise that some provisions which they believed at first would be arbitrary and dangerous are not so in fact. On the other hand, Government and the majority of the Committee, by introducing many safeguarding provisions into the Bill, have given the best possible proof that they have no desire to place the Police above the law or to shield them from the consequences of evil-doing. That the accord has not been more complete is, I fear, due to an element of prejudice which has been imported into the discussion, and has, perhaps, produced some effect. Government has been accused of seeking to enact drastic provisions which greatly strengthen the hands of the Police, without

[*Mr. Duke.*]

having previously consulted the public. Since the Council last met, in accordance with suggestions made by members of the Committee various public bodies have been consulted and some of their recommendations have been adopted. To explain why this was not done earlier I must refer to what I said when introducing the Bill. Almost every provision which it contains has been taken from the Bombay Act of 1902, and has therefore been in operation there for seven years. That Act was certainly passed after mature deliberation. It was a general and consolidating Act. It was not, as far as I have ever heard, passed at a time of political excitement or for any special political purpose. It therefore never occurred to us that the first principles of each of the provisions which we desired to borrow should be examined afresh. It appeared that the conditions of Police administration in the cities of Bombay and Calcutta are in essentials very similar. These towns are nearly of equal size, both are at once ports and manufacturing centres. Both contain a heterogeneous population largely drawn from distant districts and speaking various languages. I am still of opinion that these facts afford *primâ facie* grounds for thinking that in essentials the same system of Police administration is suitable to both cities, and I have been much surprised by the argument advanced by the Indian Association and referred to in his note of dissent by the Hon'ble Babu Deba Prasad Sarbadhikari, that criminality is more than three times greater in Bombay than in Bengal, and that we were attempting to apply to the peaceful population of Calcutta an Act originally devised for districts with a remarkable criminal record. The argument is entirely fallacious, for it is based on the statistics of crime in the provinces as a whole, and has no application whatever to the Presidency towns. As a matter of fact, there is a remarkable agreement between the volumes of crime dealt with by the police in Calcutta and in Bombay. Calcutta is now somewhat more populous than Bombay. We do not know exactly how much, because in Bombay, which had been scourged by plague, the population was temporarily reduced when the census was taken in 1901. But, in any case, the difference of population between the two cities bears only a small proportion to the total. The volume of crime dealt with by the police in Calcutta is one-ninth larger than in Bombay, the exact figures in 1908 being 45,533 cases dealt with in Calcutta, against 40,387 in Bombay. It is true that there are great variations in the details of the figures, for in Calcutta there are more than three times as many cases under the Penal Code as in Bombay, while Bombay has about one-sixth more cases under local Acts than Calcutta. For the purpose of mere dialectic advantage I might press this point against those who aver that Bombay is so much more criminal a city than Calcutta. For, if Penal Code offences are to be taken as the measure of real criminality, Calcutta is more than three times as criminal as Bombay. But I do not think that the argument would be a genuine one. It is much more probable that in Bombay under a more efficient modern Act, the Police are able to deal in a summary way with thousands of petty offences, obstructions and the like, which in Calcutta have to be dealt with under the Penal Code. I need not point out that it is more satisfactory to the Administration, and no doubt even to the offenders, that they should be dealt with under a law which defines their offence precisely and punishes it with a small and appropriate penalty rather than that they should be brought up under a general definition with the risk of a much heavier punishment. I do not desire to push too far the inference which can be obtained from this comparison of figures, but it is, so far as it goes, favourable to the similarity of conditions in the two cities, and therefore to the applicability of Bombay provisions to Calcutta. I hope that, when the Bill is finally discussed in Council, some weight will be given to these arguments, and that it will be realised that Government has reason on its side in using the most modern and effective model which it can discover for the purpose of replacing provisions which have become out of date and unsuited to the times."

The Council was then adjourned to Wednesday, the 25th August, 1909, at 11 A.M.

CALCUTTA;
The 12th August, 1909.

F. G. WIGLEY,
Secretary to the Bengal Council.

B. S. Press—13-8-1909—1805J—300—W. M. D'C.

of the Proceedings of the Council of the Lieutenant-Governor of Bengal, embled under the provisions of the Indian Councils Acts, 1861 and 1892.

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Present:

IE Hon'ble SIR EDWARD BAKER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

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e Hon'ble MR. W. C. MACPHERSON, C.S.I.

e Hon'ble MR. E. W. COLLIN.

e Hon'ble Mr. F. W. DUKE.

e Hon'ble SIR CHARLES ALLEN, KT.

e Hon'ble MR. J. G. CUMMING.

e Hon'ble MR. H. WHEELER.

e Hon'ble MR. E. P. CHAPMAN.

e Hon'ble MR. F. L. HALLIDAY, M.V.O., C.I.E.

e Hon'ble SIR BIJAY MAHTAB, K.C.I.E., MAHARAJADHIRAJA BAHADUR OF BURDWAN.

e Hon'ble BABU DEBA PRASAD SARBADHIKARI, M.A., B.L.

e Hon'ble BABU RADHA CHARAN PAL.

e Hon'ble MR. M. S. DAS, C.I.E.

e Hon'ble RAI NALINAKSHA BASU BAHADUR.

e Hon'ble BABU KRISHNA SAHAY, B.L.

ie Hon'ble MR. J. C. SHORROCK.

NEW MEMBERS.

he Hon'ble BABU KRISHNA SAHAY, B.L., and the Hon'ble MR. J. C. OCK took their seats in Council.

[*Mr. Duke.*]

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The Council was then adjourned to Wednesday, the 25th August, 1909, at 11 A.M.

CALCUTTA;
The 12th August, 1909.

F. G. WIGLEY,
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B.S. Press—13-8-1909—1805J—300—W. M. D'C.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

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Present:

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The Hon'ble MR. F. A. SLACKE, C.S.I.

The Hon'ble MR. W. C. MACPHERSON, C.S.I.

The Hon'ble MR. E. W. COLLIN.

The Hon'ble Mr. F. W. DUKE.

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The Hon'ble BABU KRISHNA SAHAY, B.L.

The Hon'ble MR. J. C. SHORROCK.

NEW MEMBERS.

The Hon'ble BABU KRISHNA SAHAY, B.L., and the Hon'ble MR. J. C. SHORROCK took their seats in Council.

[*Mr. Duke.*]

THE CALCUTTA AND SUBURBAN POLICE (AMENDMENT) BILL, 1909.

THE Hon'ble MR. DUKE, by leave of the President, withdrew the following Motions, namely:—

(1) that the Report of the Select Committee on the Bill further to amend the Calcutta Police Act, 1866, and the Calcutta Suburban Police Act, 1866, be taken into consideration,

(2) that the clauses of the Bill be considered in the form recommended by the Select Committee, and

(3) that the Bill, as settled in Council, be passed.

The Hon'ble Mr. Duke, by leave of the President, also moved that the Bill further to amend the Calcutta Police Act, 1866, and the Calcutta Suburban Police Act, 1866, be recommitted to the Select Committee. He said:—

"The Motion which stands in my name is that the Bill to amend the Calcutta Police Act, 1866, and the Calcutta Suburban Police Act, 1866, be passed. I do not propose, however, that this Motion should be put at present.

"The Council is aware that a great deal of criticism has been directed against the Bill. I cannot say that Government has been greatly impressed by the force of this criticism, indeed it cannot admit that much of it has been fair or well-informed.

"It is not moved, for instance, by assertions that there is no need for control over matters which are controlled in every great modern city and which notoriously require contol in Calcutta also.

"But I may freely admit that criticism has been more general, and the feelings of opposition disclosed by it stronger than was expected. We certainly did not anticipate that provisions which had long been in operation elsewhere without serious objection having been taken to them, should be characterised as dangerous or repressive, nor did we expect that we should be implored to consult the High Court as to the propriety of police provisions which form part of the law in another Indian Presidency.

"But the very fact that this state of mind is so general lends additional weight to the contention that the time allowed for consideration has been too short.

"The six weeks which have elapsed since the Bill was introduced in Council might have been expected to suffice for the criticism of so short a measure, but it may be that uncertainty as to the rate of progress of the Bill has prevented the criticisms which have been received from being so full or so well matured as a longer interval of reflection would have allowed. In any case we have this condition that there is a great deal of criticism, rather hostile than illuminating, and there is also a widely expressed desire for more consideration.

"The measure is not urgent, it is intended to secure better and more effective and convenient administration, it was not devised to deal with any present emergency or crisis. A delay of three or four months in passing it will not occasion any serious public loss, and if mature consideration will make it a more effective measure in itself, and above all if it will secure for it that increase of moral authority which laws derive from the approbation of the thoughtful sections of the community, the delay will be a small price to pay.

[*Mr. Duke.*]

"I believe in the principles of the Bill, and that the more they are examined the better they will establish themselves, and therefore I think that Government will not suffer by agreeing to the widely expressed desire for fuller consideration, while if the opinion of the High Court can be obtained, it must be valuable.

"In order then that time may be given for the further consultation of persons and associations interested in the Bill, and particularly that opportunity may be taken to invite the opinion of the High Court, I beg to withdraw the Motion which stands in my name, and instead to move that the Bill be recommitted to the Select Committee."

The Motion was put and agreed to.

The Council was then adjourned *sine die*.

CALCUTTA;
The 1st September, 1909.

F. G. WIGLEY,
Secretary to the Bengal Council.

B. S. Press—2.9 1909—2103J—300—W. M. D'C.